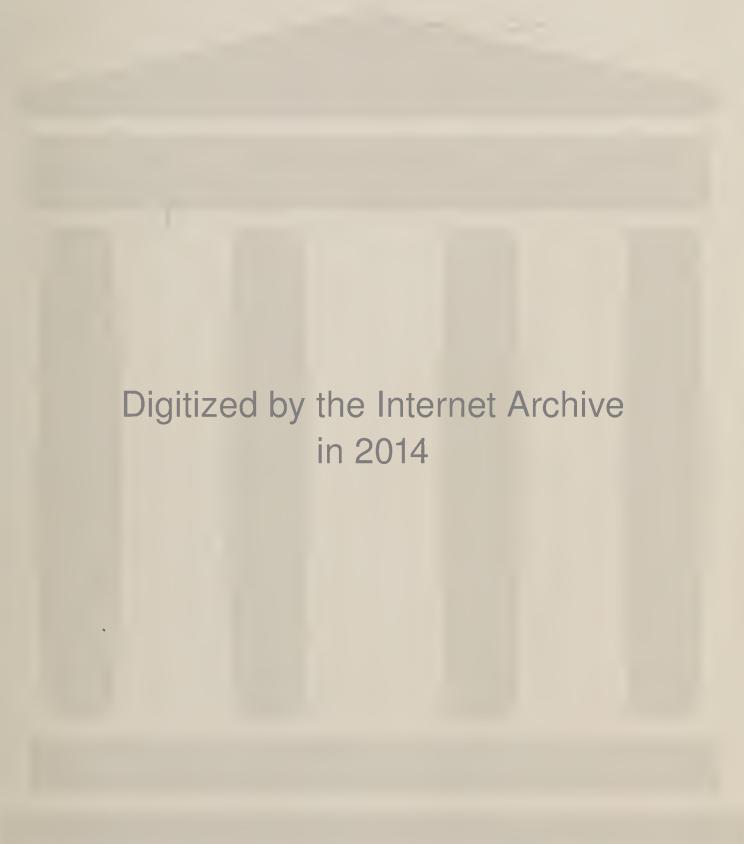






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STATUTES  
OF THE  
PROVINCE OF ONTARIO,  
1875-76.



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STATUTES  
OF THE  
PROVINCE OF ONTARIO,  
PASSED IN THE SESSION HELD IN THE  
THIRTY-NINTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA,  
BEING THE FIRST SESSION OF THE THIRD PARLIAMENT OF ONTARIO,

BEGUN AND HELDEN AT TORONTO, ON THE TWENTY-FOURTH DAY OF NOVEMBER, IN THE YEAR OF  
OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

1875/76

3309



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THE HONOURABLE DONALD ALEXANDER MACDONALD,  
LIEUTENANT-GOVERNOR.

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Toronto:  
PRINTED BY JOHN NOTMAN,  
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

ANNO DOMINI 1876.

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HUNTER, ROSE AND COMPANY,  
PRINTERS, TORONTO.

# ORDERS IN COUNCIL

DISALLOWING CERTAIN ACTS HERETOFORE PASSED BY  
THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF  
ONTARIO.

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## DISALLOWANCE OF ONTARIO ACT DEFINING PRIVILEGES OF LEGISLATURE.

GOVERNMENT HOUSE, OTTAWA,  
26th day of November, 1869.

PRESENT:

His Excellency the Governor-General in Council.

Honourable Sir *John A. Macdonald*,  
Mr. *Tilley*, Mr. *Mitchell*,  
Mr. *Howe*, Sir *Francis Hincks*.

Whereas the Lieutenant-Governor of the Province of *Ontario*, with the Legislative Assembly of that Province, did, on the 19th day of December, 1868, pass an Act which has been transmitted, intituled as follows, viz.: "An Act to define the Privileges, Immunities and Powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of Sessional Papers."

And whereas the said Act has been laid before the Governor-General in Council, together with a Report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature of the Province of *Ontario* to pass such Act, and therefore recommending that the said Act should not receive the confirmation of the Governor-General.

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of His Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant-Governor of the Province of *Ontario*, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) W.M. H. LEE,  
*Clerk Privy Council.*

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I, JOHN YOUNG, Baronet, Governor-General of *Canada*, do hereby certify that the Act passed by the Legislature of the Province of *Ontario*, on the 19th day of December, 1868, intituled "An Act to define the Privileges, Immunities and

"Powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of Sessional Papers," was received by me on the 26th day of January, 1869.

Given under my hand and seal this 25th day of November, 1869.

{ L. S. }

(Signed) JOHN YOUNG.

### DISALLOWANCE OF THE ONTARIO SUPPLY BILL OF 1869.

GOVERNMENT HOUSE, OTTAWA,

Thursday, 20th day of January, 1870.

PRESENT :

His Excellency the Governor-General in Council.

Whereas the Lieutenant-Governor of the Province of *Ontario*, with the Legislative Assembly of that Province, did, on the 23rd day of January, A.D. 1869, pass an Act which has been transmitted, intituled as follows, viz.: "An Act for granting to Her Majesty certain sums of money required for defraying the Expenses of Civil Government for the year 1869, for making good certain sums expended for the Public Service in 1868, and for other purposes :"

And whereas the said Act has been laid before the Governor-General in Council, together with a Report from the Minister of Justice, setting forth that he is of opinion that the change of the law proposed in the sixth \* section of the said Act, cannot be legally effected by an Act of the Provincial Legislature, and therefore recommending that the said Act should not receive the confirmation of the Governor-General.

His Excellency the Governor-General has therefore this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant-Governor of the Province of *Ontario*, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W.M. H. LEE,  
Clerk Privy Council.

I, JOHN YOUNG, Baronet, Governor-General of *Canada*, do hereby certify that the Act passed by the Legislature of the Province of *Ontario*, on the 23rd day of January, 1869, intituled "An Act for granting to Her Majesty certain sums of money required for defraying the Expenses of Civil Government for the year 1869, for making good certain sums expended for the Public Service in 1868, and for other purposes," was received by me on the 26th day of January, 1869.

Given under my hand and seal this 20th day of January, 1870.

{ L. S. }

(Signed) JOHN YOUNG.

DISALLOWANCE OF THE ONTARIO ACT TO AMEND THE LAW  
RESPECTING ESCHEATS AND FORFEITURES.

GOVERNMENT HOUSE, OTTAWA,  
Thursday, 1st day of April, 1875.

PRESENT :

His Excellency the Governor-General in Council.

Whereas the Lieutenant-Governor of the Province of *Ontario*, with the Legislative Assembly of the said Province, did, on the 24th day of March, 1874, pass an Act which has been transmitted, intituled as follows, viz., "An Act to amend the law respecting Escheats and Forfeitures:"

And whereas the said Act has been laid before the Governor-General in Council, together with a Report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such an Act, and therefore recommending that the said Act should not receive the confirmation of the Governor-General.

His Excellency the Governor-General has thereupon this day been pleased, by and with the advice of His Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant-Governor of the Province of *Ontario*, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)      W. A. HIMSWORTH,  
*Clerk Privy Council.*

I, FREDERICK TEMPLE HAMILTON BLACKWOOD, EARL OF DUFFERIN, Governor-General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Ontario, on the 24th day of March, 1874, intituled "An Act to amend the law respecting Escheats and Forfeitures," was received by me on the 2nd day of April, 1874.

Given under my hand and seal this 1st day of April, 1875.



Seal.

(Signed)      DUFFERIN.





ANNO TRICESIMO-NONO.

# VICTORIÆ REGINÆ.

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## CAP. I.

An Act to amend and repeal certain enactments of the last Session of the Legislature of this Province.

[Assented to 23rd December, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The Act of the last session of the Legislature of this Province, chaptered four, intituled "An Act respecting the operation of the Statutes of Ontario," is hereby amended by inserting after the word "Ontario" in the sixth section, the words "and within the Legislative authority of;" and by inserting before the word "Ontario" in the twelfth section the words "matters within the Legislative authority of."

**2.** The Act, chaptered twelve, intituled "An Act to amend the Act respecting Division Courts," is amended by inserting before the word "Lieutenant-Governor" in the fifth section the words "Governor-General in Council, at the request of the."

**3.** The seventeenth and eighteenth sections of the Act chaptered nineteen, intituled "An Act respecting apprentices and minors" are hereby repealed.

**4.** Sub-section (1a) of section thirty of the Act chaptered twenty-eight, intituled "An Act to provide for voting by ballot at municipal elections" is hereby repealed.

**5.** So much of the Act chaptered forty-four, intituled "An Act to enable the Corporation of the City of Kingston to close up a part

part of Union Street with the water slip in front of the same, in the said city, and for other purposes" as professes to authorize the closing up of part of the harbour therein referred to, or to divert the same from the purpose of a harbour, or as professes to deal with, or to confer the power of dealing with the land therein mentioned, in such a manner as shall affect the harbour is hereby repealed, and the title of the said Act is hereby amended by striking out the words "with the water slip in front of the same."

38 V., c. 67,  
amended.

**6.** So much of the Act chaptered sixty-seven, intituled "An Act to incorporate the Canada Fire and Marine Insurance Company," as purports to authorise the said Company to carry on business elsewhere than in the Province of Ontario; and to make investments of its funds; and to contract and be contracted with, and to sue and be sued, elsewhere than in the Province of Ontario; and to make contracts of insurance in respect of ships, boats, vessels, steamboats or other craft navigating the oceans or high seas or lakes, rivers or other navigable waters from any port elsewhere than in Ontario, to any port elsewhere than in Ontario, and to make investments of its funds in the security of any foreign state or states, and to comply with the laws of any Province, State or country (other than Ontario) wherein the said Company proposes to carry on business, and to appoint therein local managers, agents, or other officers, is hereby repealed.

38 V., c. 68,  
in part repealed.

**7.** So much of the Act chaptered sixty-eight, intituled "An Act to incorporate the Industrial and Commercial Life Assurance Company, of Canada," as purports to empower the said Company to carry on the business of Life Assurance and do all things appertaining thereto, or connected therewith elsewhere than in the Province of Ontario; and to contract and be contracted with, sue and be sued, elsewhere than in the Province of Ontario, and to grant, purchase and dispose of annuities, and make and grant policies therein and thereupon, and to do matters and things appertaining thereto or connected therewith elsewhere than in the Province of Ontario, and to comply with the laws of any Province, State or country (other than Ontario), wherein the said Company proposes to carry on business, and to appoint therein, local managers, agents or other officers,—is hereby repealed; the whole of the eighth section of the said Act is likewise repealed; and the name of the said Company is changed by inserting therein the word "Ontario" instead of the word "Canada."

Sec. 8 repealed.

## CAP. II.

An Act to Provide for the Registration of Births,  
Marriages and Deaths.

[Assented to 23rd December, 1875.]

**W**HEREAS it is expedient to provide a correct system of Preamble.  
Registration of Births, Marriages and Deaths:

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. The Provincial Secretary shall be, for the purposes of this Act, the Registrar-General of the Province. Prov. Secretary to be Registrar General.
2. Each city, town, incorporated village, township, or union of townships, shall be a registration division; and the clerks of such municipalities shall be, for the purposes of this Act, Division Registrars. Registry Division and Division Registrars.
3. The Lieutenant-Governor in Council shall appoint such Division Registrars in the existing Districts of Algoma, Nipissing and Thunder Bay, and also any territorial districts herein-after formed, and by Order in Council make such rules and regulations as may be necessary to secure a correct record of the Births, Marriages and Deaths occurring therein until municipal organizations are formed. Registrars and regulations in Algoma, Nipissing, Thunder Bay and other Districts.
4. The Registrar-General shall procure the necessary books and forms for the Division Registrars, the same to be prepared according to Schedules A, B and C, appended to this Act, with such additional columns as may from time to time be added thereto by the Lieutenant-Governor in Council, in order to the procurement of correct statistical information; and he shall distribute the same to the several Division Registrars, and the costs and expenses of such books and forms, and the expenses attendant upon the distribution thereof, shall be paid out of the Consolidated Revenue Fund of the Province. Books and forms for Registrars.
5. The Division Registrars shall receive the books or forms sent by the Registrar-General, and keep the same in a place of safety; make all entries therein as hereinafter required in this Act; and shall, on or before the fifteenth days of January and July in each and every year, make returns to the Registrar-General of the forms containing the original entries, certified under his hand, of the Births, Marriages and Deaths of the previous six months. Custody, entries and returns in the books.
6. The occupier of the house or tenement in which a death shall occur, shall give notice of the death to the Registrar-General as soon as possible after its occurrence. Particulars as to death to be given to the Registrar-General.

furnished to  
Registrars.

shall take place, or if the occupier be the person who shall have died, then some one of the persons residing in the house in which the death took place, or if such death shall not have taken place within a house, then any person present at the death or having any knowledge of the circumstances attending the same, or the Coroner who may have attended any inquest held on such person, shall, before the interment of the body, supply to the Division Registrar of the division in which such death took place, according to his or her knowledge or belief, all the particulars required to be registered touching such death, by the form provided by this Act.

Certificate of  
registry of  
death.

**7.** Every Division Registrar shall, immediately upon registering any death, or as soon thereafter as he shall be required so to do, without fee or reward, deliver to any person requiring the same for the purpose of burial, a certificate according to form of Schedule D appended to this Act, that the particulars of such death have been duly registered.

Minister, &c.,  
on burying to  
make return of  
death, except  
on receipt of  
certificate from  
Registrar.

**8.** Every minister or other person who shall bury or perform any funeral or religious service for the burial of any dead body unless he has received a certificate under the hand of the Registrar of the Division in which the death took place, according to the Schedule D to this Act annexed, that the particulars of such death have been duly registered, shall make a return of such death according to Schedule C. to this Act annexed to the Registrar of the Division in which the death took place, within seven days after such burial.

Inspector of  
offices.

**9.** The Lieutenant-Governor in Council may appoint an Inspector, whose duties shall be to inspect the different Registration Offices throughout the Province, and carefully examine the different Schedules, to see that the entries and registrations are made therein in a proper manner and in legible hand-writing.

Notice of birth  
to be given.

**10.** The father of any child born in this Province, or in case of his death or absence, the mother, or in case of the death or inability of both parents, any person standing in the place of the parents, or, if none such there be, then the occupier of the house or tenement in which to his knowledge such child was born, or the nurse present at the birth, shall, within thirty days from the date of such birth, give notice thereof to the Division Registrar in which such child was born, giving as far as possible the particulars required in Schedule A, with such additional information as may be required by the Registrar-General from time to time, which particulars shall be entered by the Division Registrar in his book.

Registry of  
birth of ille-  
gitimate chil-  
dren.

**11.** In registering the birth of an illegitimate child, it shall not be lawful for the name of any person to be entered as the father, unless at the joint request of the mother and of the person acknowledging himself to be the father; and in all cases of the

the registration of the birth of illegitimate children, the Division Registrar shall write the word "illegitimate" in the column set apart for the name of the child, and immediately under the name, if any.

**12.** Every registration of a birth shall be made within the Time for Registry. time aforesaid; but nothing herein contained shall prevent the subsequent registration of such birth within the period of one year.

**13.** Every clergyman, minister, or other person authorized by law to celebrate marriages, shall be required to report each and every marriage he celebrates to the Registrar of the Division within which such marriage is celebrated, within ninety days from the date of such marriage, with the particulars required by Schedule B, appended to this Act, and in order the better to enable the said clergyman, minister or other person to make such report as aforesaid, he shall be furnished by the Division Registrar of the division in which he resides with blank forms containing the particulars required by the said Schedule B.

**14.** Every duly qualified medical practitioner, who shall have been last in attendance during the last illness of any person, shall, within ten days after having notice or knowledge of the death of such person, transmit to the Division Registrar of the division in which the death took place, a certificate under his signature of the cause of death, according to the form of Schedule E appended to this Act, to be provided by the said Division Registrar, who shall be furnished with such forms; and it shall be the duty of every such medical practitioner to apply to the said Division Registrar for blank forms for that purpose, and upon the receipt of the said certificate from the said medical practitioner, by the Division Registrar, he shall make the entry as to the cause of death of such person according with the fact stated in the said certificate.

**15.** If within one year after the entry of any birth, marriage or death, it be discovered that any error has been made in such entry, then upon the same being reported to the proper Division Registrar within the time aforesaid, it shall be his duty to enquire into the same, and if satisfied that an error has been committed in any such entry, it shall be lawful for him to correct the erroneous entry, according to the truth of the case by entry in the margin, without any alteration in the original entry; and having made such correction, he shall, if the original entry of the birth, marriage or death so corrected has been returned as hereinbefore provided, report the same according to the facts of the case, to the Registrar General, whose duty it shall be to correct such erroneous entry in the margin of the book or form containing the original entry.

**Penalty on Registrars for neglect of duty.**

**16.** If any Division Registrar refuses or neglects to perform the duties required of him by this Act as such Division Registrar, he shall for every such offence, upon conviction thereof before any Justice of the Peace, forfeit the sum of fifty dollars to Her Majesty ; and it shall be the duty of the County Attorney in each county to prosecute such officials for any refusal or neglect to perform the duties required by this Act, when notified by the Registrar General, Inspector or other parties.

**• Registrar-General to keep and arrange, &c., returns.**

**17.** The Registrar-General shall cause the original returns of the Births, Marriages and Deaths in each division, together with all the particulars communicated to him by the said Division Registrars, to be arranged, indexed, bound and kept in the office of the Registrar-General.

**Search of, and extracts from records—evidence—fees.**

**18.** All persons shall be entitled, at all reasonable hours, to search these records, and to require and receive extracts duly certified by the Registrar-General or Inspector; which extracts shall be evidence of the entry certified and *prima facie* evidence in any court of law or equity in this Province, of the facts therein stated ; and, for every such certificate, the person so requiring the same shall pay a fee of fifty cents.

**Penalty for false statements.**

**19.** Any person who shall knowingly or wilfully make or cause to be made any false statement touching any of the particulars required to be reported and entered under this Act, shall upon conviction thereof before any Justice of the Peace, forfeit the sum of forty dollars.

**Registrar-General to publish reports.**

**20.** The Registrar-General shall on or before the first day of July in each year, collate, publish and distribute, for the use of Parliament, a full report of the births, marriages and deaths of the preceding year, giving such details, statistics and information as the Lieutenant-Governor in Council may think necessary.

**Power to make rules for obtaining information.**

**21.** The Lieutenant-Governor in Council may, from time to time, make such further rules, orders and regulations as may be required for the purpose of effectually obtaining the information required by this Act.

**Penalty for neglect to report.**

**22.** If any householder, head of a family, clergyman, physician, or other person or persons required by this Act to report births, marriages and deaths refuses or wilfully neglects to do so within the time named, such person shall, for each and every offence, forfeit and pay a sum not less than one dollar, nor more than twenty dollars and costs, in the discretion of the presiding Justice before whom the case shall be heard ; and it shall be the duty of the Division Registrar to prosecute all such persons so neglecting or refusing to make the required reports ; Provided that if the return required by this Act to be made by more than one person be made by any one of such persons, the other

other of such persons shall not be liable to any penalty in respect of his default.

**23.** Any Justice of the Peace having jurisdiction within the locality where any offence against this Act has been committed may hear and determine such complaint, and shall have power in case the penalty and costs awarded by him be not forthwith paid upon conviction, to levy the same by distress and sale of the goods and chattels of the offender, by warrant under his hand and seal; and, except as provided in section sixteen, the penalty when recovered shall be paid over by such Justice, one half to the person complaining and one half to the local municipality within which the offence is committed; and, in default of payment or sufficient distress, the offender may, by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period not less than one day nor more than twenty days, at the discretion of such Justice, unless such penalty, costs and charges of commitment be sooner paid.

**24.** Each Municipality throughout the Province of Ontario shall pay annually to the Division Registrar appointed under the said Act, a fee of ten cents for each Birth, Marriage and Death registered by him under the provisions of this Act, upon receiving from the Inspector a certificate of the number of registrations made by such Registrar.

**25.** The term "occupier" used in the sixth and tenth sections of the said Act shall be construed to include the master, governor, keeper, warden or superintendent of gaol, prison, penitentiary, lunatic asylum, poor asylum, hospital or other public or private charitable institution.

**26.** The Act passed in the thirty-second year of Her Majesty's reign, chaptered thirty of the Statutes of Ontario, intituled "An Act to provide for the Registration of Births, Marriages and Deaths;" and an Act passed in the thirty-third year of Her Majesty's reign, chaptered twenty-two of the Statutes of Ontario, intituled "An Act to amend an Act passed in the thirty-second year of Her Majesty's reign, chaptered thirty of the Statutes of Ontario, intituled 'An Act to provide for the Registration of Births, Marriages and Deaths,'" are hereby repealed.

**27.** This Act shall come into force on the first day of January, one thousand eight hundred and seventy-six.

When this Act  
to come in  
force.

## SCHEDULE A.—BIRTHS.

County of

### Division of

## SCHEDULE

I hereby certify the foregoing to be the true and correct entries of all births returned to me for the half-year ending the  
Given under my hand this  
day of  
A.D. 18

8

Division Registrar of

## SCHEDULE B.—MARRIAGES.

County of

Division of

## BRIDEGROOM.

IBRIDE.

### SCHEDULE

I hereby certify the foregoing to be the true and correct entries of all marriages returned to me for the half-year ending the  
day of  
Given under my hand this  
A.D. 18

Division Registrar of

SCHEDULE C.—DEATHS.

County of

Division of

## SCHEDULE

I hereby certify the foregoing to be the true and correct entries of all deaths returned to me for the half-year ending the  
day of  
Given under my hand this  
A.D. 18

18

A.D. 18

Division Registrar of

## SCHEDULE D.

I, Division Registrar of the Municipality of  
do hereby certify that the particulars of the  
death of have been duly registered.

Division Registrar's Office,  
day of 187 .

(Signature)

## SCHEDULE E,

## CAUSE OF DEATH.

County of Division of

Name and surname of deceased.	Sex.	Residence.	Rank or profession.	Duration of illness.	Cause of death.

I hereby certify the foregoing to be a true and correct certificate of the cause of the death of the person therein named.

Given under my hand this day of 18

M. D.

## CAP. III.

## An Act with respect to the place of Solemnizing Marriages.

[Assented to 23rd December, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

- Every affidavit for obtaining a certificate or license to marry shall state in what County or District it is intended that the marriage shall be solemnized, and in what Town, Village or place

place in the County or District; and if the said County or District is not that in which either of the parties has, for a space of fifteen days immediately preceding the issue of the certificate or license, had his or her usual place of abode, the affidavit shall further state that the reason of procuring the marriage to be solemnized in such place is not in order to evade due publicity or for any other improper purpose : Provided always, that, notwithstanding such affidavit, the issuer of licenses shall not issue the license or certificate if he has any reason to believe or suspect that the facts are not as stated ; and he is in such case, before issuing the certificate or license, to require further evidence to his satisfaction in addition to the said affidavit.

**Form of  
certificate.**

**2.** A certificate authorizing the solemnization of marriage, may be in the form given in the Schedule to this Act, or in the form given in Schedule A to the Act respecting the solemnization of marriages.

**Former  
marriages  
confirmed.**

**3.** All marriages which have before the passing of this Act been celebrated within the Province of Ontario by any person legally authorized to marry, between persons not under any legal disqualification for entering into the contract of matrimony, are hereby declared to have been and to be lawful and valid so far as respects the civil rights, in this Province, of the parties or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature, notwithstanding that the same was solemnized in a County or District in which neither of the parties had for a space of fifteen days immediately preceding the issue of the certificate or license, had his or her usual place of abode : Provided that the parties thereafter lived together, and cohabited as husband and wife, and that the validity of the marriage has not hitherto been questioned in any suit at law or in equity ; and provided further, that nothing in this Act contained shall extend or be construed to extend to make valid any marriage illegally solemnized where either of the parties to such illegal marriage has since contracted matrimony according to law.

**Issuers may  
appoint deputy  
where no  
mayor or  
reeve.**

**4.** In case it is necessary on account of illness, unavoidable accident, or contemplated temporary absence of any issuer of marriage licenses, to appoint a deputy, but there is no mayor or reeve to give the consent required by the third section of the Act respecting the solemnization of marriages, such issuer of marriage licenses may, in the manner in other respects required by that section, but without such consent, appoint such deputy ; and the licenses or certificates issued by such deputy shall be deemed to authorise the solemnization of marriages at the same places as licenses or certificates issued by the principal for whom such deputy acts, and no irregularity in the appointment of a deputy issuer shall affect the validity of a license or certificate by him issued.

## SCHEDEULE.

(*Being form of certificate for a marriage without banns.*)

THESE are to certify that *A. B.* of \_\_\_\_\_ and *C. D.* Schedule. of \_\_\_\_\_ being minded, as it is said, to enter into the contract of marriage, and being desirous of having the same duly solemnized, the said *A. B.* (*or C. D.*) has made oath that he (*or she*) believes that there is no affinity, consanguinity, pre-contract or any other lawful cause or legal impediment, to bar or hinder the solemnization of the said marriage, and having also otherwise made oath as required by law, These are therefore to certify that the requirements of the Act respecting the solemnization of marriages have been complied with.

Given under my hand and seal at \_\_\_\_\_ this day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, and in the \_\_\_\_\_ year of Her Majesty's reign.

*G. H.*  
*Issuer of Licenses.*

Issued from the office of the Provincial Secretary for the Province of Ontario, }  
this day of 18 }

*K. L.*  
*Provincial Secretary.*

## CAP. IV.

## An Act respecting the application of the Surplus Distribution money.

[*Assented to 23rd December, 1875.*]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The Municipal Council of any Municipality entitled to receive money or debentures under the Act intituled "An Act respecting the Municipal Loan Fund Debts, and respecting certain payments to Municipalities" may, by by-law, set apart any of such money or of the proceeds of the said debentures for any of the following objects (instead of or in addition to any of the objects heretofore authorised by law), that is to say:

(1.) For the purpose of paying the liability of any portion of the Municipality, in respect of a sectional bonus granted in aid of any railway; Provided, that the amount so set apart be limited in amount to a sum not greater than the proportionate sum

Application by Municipalities of proceeds of debentures received from Municipal Loan Fund.

sum which having regard to the whole amount allotted to said Municipality will represent the share of such portion of the Municipality upon the basis of population according to the census of 1871;

(2.) For the purchase of any kind of fire engine or fire extinguishing apparatus.

Appropriations to schools by Municipalities.

2. In case of any of the said money or proceeds being set apart by a Municipal Council for school purposes, the Council may by by-law (subject to the provisions of the twentieth section of the Act passed in the twenty-sixth year of Her Majesty's reign, chaptered five, intituled "An Act to restore to Roman Catholics in Upper Canada certain rights in respect to separate schools") divide the said money or proceeds among the various school sections in the Municipality, or may appropriate the same to one or more of such sections, or to any school or schools therein; and such appropriation may be made without reference to the provisions of sub-section four of section forty-eight of "The Consolidated Public School Act of 1874."

Existing by-laws confirmed

3. Any by-laws already passed making such appropriation as this Act authorises for the future are hereby confirmed and declared valid as if the same were passed after this Act becomes law; but the Municipal Council may repeal or vary any such by-law at any time before the money is paid by the Government.

## CAP. V.

### An Act respecting certain proceedings at Municipal Elections.

[Assented to 23rd December, 1875.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Different sets of ballot papers to be prepared.

In cities.

In towns.

1. The names of the candidates at municipal elections for Mayor in cities, and for Mayor, Reeve and Deputy Reeve in towns, shall not be included in the same ballot paper with the names of the candidates for Aldermen and Councillors respectively;

2. But in cities one kind or set of ballot papers shall be prepared for all the wards or electoral divisions, containing the names of the candidates for Mayor, and another kind or set shall be prepared for each ward or electoral division containing the names of the candidates for Aldermen in the ward;

3. In towns one kind or set of ballot papers shall be prepared, for all the wards or electoral divisions, containing the names of the candidates for the

the candidates for Mayor and Reeve and Deputy Reeve, and another kind or set shall be prepared for each ward or electoral division containing the names of the candidates for Councillors in the ward;

4. And in townships divided into wards one kind or set of ballot papers shall be prepared for all the wards containing the names of the candidates for Reeve, and another kind or set shall be prepared for each ward containing the names of Councillors in the ward.

2. The ballot papers shall be in the form of Schedule A. to this Act. Form of ballot papers.

3. Every elector who is entitled to a vote in more than one Ward or electoral division shall vote for Mayor in cities, and for Mayor, Reeve and Deputy Reeve in towns and for Reeve in townships divided into wards, at the polling place of the ward or electoral division in which he is resident if qualified to vote therein; or otherwise where he first votes, and there only. Where persons are to vote for Mayor, Reeve, and Deputy Reeve.

4. Any person who votes for Mayor, Reeve, or in towns or townships for Deputy Reeve, after having already voted for Mayor, Reeve or Deputy Reeve, at some other polling place at that election, shall incur a penalty of fifty dollars, to be recovered, with full costs of suit, by any person who will sue for the same by action of debt in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered shall be ineligible either as a candidate or elector at the next annual elections. Penalty for voting twice for Mayor, Reeve or Deputy Reeve.

5. The Returning Officer shall, at the elections of January, 1876, in the column of the voters' list for remarks, state shortly what ballot papers a voter has received; Form of voters' lists.

(2.) For elections subsequent to the elections of January, 1876, the voters' lists in cities and towns shall be prepared according to the form of Schedule B to this Act, and the Returning Officer shall place, or cause to be placed, in the columns of the voters' list, headed Mayor, Reeve, Alderman and Councillor, as the case may be, a mark opposite the name of every voter receiving a ballot paper, to denote that the voter has received a ballot paper for Mayor, Reeve, Alderman or Councillor, as the case may be. Marking voters' lists.

6. Whereas doubts are said to be entertained in some Municipalities as to the right of persons to be named in the lists of electors at municipal elections in respect of income, and it is expedient to remove the said doubts; therefore it is enacted as follows:—

1. The Clerk of each municipality, in preparing the lists of electors for the several Returning Officers, shall include in the list of electors for each municipality, ward or electoral division

Clerk to place such persons on the list.

sion, the names of all male persons resident, or appearing by the assessment roll to be resident in such municipality, ward or electoral division, who have been assessed for an income derived from some trade, calling, office or profession, of not less than four hundred dollars, and are otherwise qualified to vote;

Elections of  
Jan., 1876.

2. For the municipal elections of January, one thousand eight hundred and seventy-six, the Clerk may place the names of the persons aforesaid in supplementary lists to be signed by the Clerk and delivered by him to the several Returning Officers.

Oath.

7. The oath to be administered to persons voting in respect of income shall be according to the form given in section four of the Act, chapter three of the Acts passed in the thirty-seventh year of Her Majesty's reign.

Persons voting  
in respect of  
income in Jan.,  
1876 to pro-  
duce receipt  
for taxes.

8. No such person shall be entitled to vote at the municipal elections of January, one thousand eight hundred and seventy-six, unless at the time of applying for a ballot paper he produces to the Returning Officer the receipt of the Treasurer of the Municipality or the Collector for the municipal taxes for the preceding year, due from such person in respect of income, which receipt the Treasurer or the Collector is hereby required to give to any person entitled thereto who applies for the same not later than the Saturday preceding the polling.

Elections sub-  
sequent to  
Jan., 1876.

9. The Clerk of each municipality, when preparing the lists of electors for the several Returning Officers at municipal elections, subsequent to the elections of January, 1876, shall include in the list of electors for each municipality, ward or electoral division, the names of all male persons resident or appearing by the assessment roll to be resident in the municipality, ward or electoral division, who have been assessed for an income derived from some trade, calling, office or profession, of not less than four hundred dollars, excluding from such list such of the said persons as shall have been returned to him by the treasurer as in default for not having paid their municipal taxes on or before the fourteenth day of December next preceding the election, and are otherwise qualified to vote.

Returning  
Officers and  
agents may  
vote at polling  
place where  
they are em-  
ployed.

10. The Clerk of the Municipality on the request of any elector entitled to vote at one of the polling stations, who shall be appointed Returning Officer or Poll Clerk, or who shall be named as the person to attend at any polling station other than the one where he is entitled to vote, shall give to such elector a certificate that such Returning Officer, Poll Clerk or person is entitled to vote at the polling station where such elector shall be stationed during the polling day, and such certificate shall also state the property or other qualification in respect to which he is entitled to vote; and on the production of such certificate, such Returning Officer, Poll Clerk or person shall have the right

right to vote at the polling station where he shall be placed during the polling day, instead of at the polling station of the ward or electoral division where he would otherwise have been entitled to vote; and the Returning Officer shall attach the certificate to the voters' list; but no such certificate shall entitle any such elector to vote at such polling station unless he has been actually engaged as such Returning Officer, Poll Clerk or person during the day of polling;

(2.) In case of a Returning Officer voting at the polling station where he has been appointed, the Poll Clerk appointed to act at such polling place, or in the absence of the Poll Clerk any elector authorised to be present, may administer to such Returning Officer the oath required by law to be taken by voters.

**11.** Every Returning Officer shall take a note of any objection made by any candidate, his agent, or any elector authorised to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection;

(2.) Each objection shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the Returning Officer.

**12.** Every Returning Officer, when making up the various packets which he is required to make up at the completion of the counting of the votes after the close of the poll, shall make up into a separate packet the ballot papers which have been objected to, but have been counted by the Returning Officer.

**13.** Every Returning Officer shall, at the close of the poll, certify under his signature on the voters' list in full words the total number of persons who have voted at the polling place at which he has been appointed to preside, and before placing the voters' list into its proper packet, as required by the Act, chapter twenty-eight of the Acts passed in the thirty-eighth year of Her Majesty's reign, make and subscribe before the Clerk of the Municipality, a Justice of the Peace or the Poll Clerk, his solemn declaration that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made; which declaration shall be in the form of Schedule F to the said Act, and shall thereafter be annexed to the voters' list; he shall also forthwith return the ballot box to the Clerk of the Municipality.

**14.** The written statement required by the said Act to be made by each Returning Officer at the close of the poll shall be made under the following heads:

- (a) Name of ward or electoral division, and of the municipality, and the date of the polling;
- (b) Number of votes for each candidate;
- (c) Rejected ballot papers.

**15.** Every Returning Officer, upon being requested so to do, shall

Returning Officer to note objections taken o ballot papers at the counting the same.

Separat pac ket to be ade containing ballot papers objected to.

Certificate and declaration of returning officer and return of voters' list.

Form of statement to be made by returning officers of result of the polling.

certificate of  
state of poll.

shall deliver to the persons authorized to attend at his polling place, a certificate of the number of votes given at that polling place for each candidate, and of the number of rejected ballot papers.

Irregularities  
not to void  
Elections.

Act to be con-  
strued as one  
with 36 V. c.  
48, and 38 V.  
c. 28.

**16.** No election shall be declared void by reason of any irregularity if it appear to the tribunal having cognizance of the question that the election was conducted in substantial accordance with the intention of the law, and that the non-compliance or mistakes did not effect the result of the election.

**17.** This Act shall be read as one with the Act to provide for voting by Ballot at Municipal Elections, passed in the thirty-eighth year of Her Majesty's reign; and the said Act and this Act shall be read as one with the Act respecting Municipal Institutions in the Province of Ontario, passed in the thirty-sixth year of Her Majesty's reign.

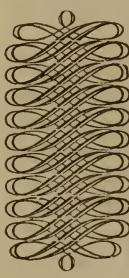
#### SCHEDULE A.

(Referred to in Section Two).

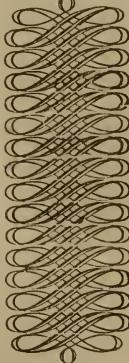
##### FORM OF BALLOT PAPER.

(1. In the case of Cities.)

Form for Mayor.

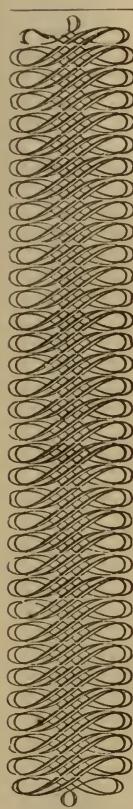
 <p>Election for the Members of the Municipal Council of the City of , Ward No. , Electoral Division No. , day of January, 18 .</p>	<b>FOR MAYOR.</b>
	<b>ALLAN.</b> Charles Allan, King Street, City of Toronto, Merchant.
<b>1</b>	
<b>2</b>	

Form for Alderman.

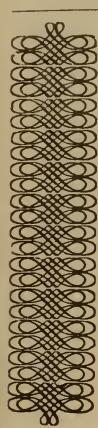
 <p>Election for the Members of the Municipal Council of the City of , Ward No. , Electoral Division No. , day of January, 18 .</p>	<b>FOR ALDERMAN.</b>
	<b>ARGO.</b> James Argo, City of Toronto, Gentleman.
	<b>BAKER.</b> Samuel Baker, City of Toronto, Baker.
	<b>DUNCAN.</b> Robert Duncan, City of Toronto, Printer.

## (2. In the case of Towns divided into Wards.)

Form for Mayor, Reeve and Deputy Reeve.

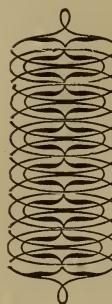
 <p>Election for the Members of the Municipal Council of the Town of Barrie, Ward No. 1, Electoral Division No. 18, , day of January, 18</p>	<b>FOR MAYOR.</b>	
<b>1</b>	<b>THOMPSON.</b> Jacob Thompson, of the Town of Barrie, Merchant.	
<b>2</b>	<b>WALKER.</b> Robert Walker, of the Town of Barrie, Physician.	
<b>FOR REEVE (if any).</b>		
<b>1</b>	<b>BROWN.</b> John Brown, of the Town of Barrie, Merchant.	
<b>2</b>	<b>ROBINSON.</b> George Robinson, of the Town of Barrie, Merchant.	
<b>FOR DEPUTY REEVE (if any).</b>		
<b>1</b>	<b>ARMOUR.</b> Jacob Armour, of the Town of Barrie, Pumpmaker.	
<b>2</b>	<b>BOYD.</b> Zachary Boyd, of the Town of Barrie, Tinsmith,	

Form for Councillors.

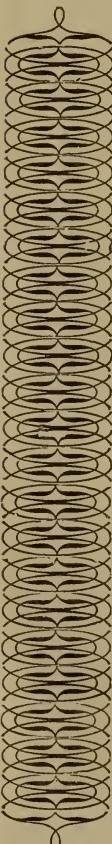
 <p>Election for the Members of the Municipal Council of the Town of Barrie, Ward No. 2, Electoral Division No. 18, , day of January, 18</p>	<b>FOR COUNCILLOR.</b>		
	<b>1</b>	<b>BULL.</b> John Bull, of the Town of Barrie, Butcher.	
	<b>2</b>	<b>JONES.</b> Morgan Jones, of the Town of Barrie, Grocer.	
	<b>3</b>	<b>MCALLISTER.</b> Allister Mc Allister, of the Town of Barrie, Tailor.	
	<b>4</b>	<b>O'CONNELL.</b> Patrick O'Connell, of the Town of Barrie, Milkman.	

(3. *In the case of Townships divided into Wards.*)

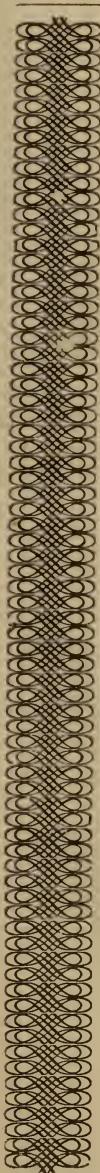
Form for Reeve.

 Election of Members of the Municipal Council of the Town- ship of County of Ward No. <small>day of January, 18</small>	<b>FOR REEVE.</b>  <b>1</b> <b>BARDELL, THOMAS,</b> Of the Township of Peel, Yeo- man.  <b>2</b> <b>SNODGRASS, ALFRED,</b> Of the Township of Peel, Yeo- man.
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Form for Councillors.

	<b>FOR COUNCILLOR.</b> <b>1</b> <b>2</b> <b>3</b> <b>4</b> <b>5</b> <b>6</b> <b>7</b>
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(4. In the case of Incorporated Villages and Townships not divided into Wards.)



Election of Members of the Municipal Council of the Village (or Township of  
Electoral Division No.  
day of January, 18

		<i>FOR REEVE.</i>
1		<b>BROWN.</b> John Brown, of the Village of Yorkville, Merchant.
2		<b>ROBINSON.</b> George Robinson, of the Village of Yorkville, Physician.
		<i>FOR DEPUTY REEVE (if any).</i>
1		<b>ARMOUR.</b> Jacob Armour, of the Village of Yorkville, Pumpmaker.
2		<b>BOYD.</b> Zachary Boyd, of the Village of Yorkville, Tinsmith.
		<i>FOR COUNCILLOR.</i>
1		<b>BULL.</b> John Bull, of the Village of Yorkville, Butcher.
2		<b>JONES.</b> Morgan Jones, of the Village of Yorkville, Grocer.
3		<b>McALLISTER.</b> Allister McAllister, of the Village of Yorkville, Tailor.
4		<b>O'CONNELL.</b> Patrick O'Connell, of the Village of Yorkville, Milkman.

NOTE.—In any case where there are two or more Deputy Reeves, the ballot paper will make provision accordingly, naming them as first Deputy Reeve, second Deputy Reeve, &c.

## SCHEDULE B.

*(Referred to in Section Five of this Act.)*

FORM IN WHICH THE VOTERS' LIST TO BE FURNISHED TO RETURNING OFFICERS FOR TOWNS NOT SEPARATED FROM THE COUNTY IS TO BE PREPARED.

COLUMN FOR MARK INDICATING THAT THE VOTER HAS VOTED.	NAMES OF THE VOTERS.	DESCRIPTION OF PROPERTY IN RESPECT OF WHICH THE VOTER IS ENTITLED TO VOTE. FREEHOLDER, HOUSEHOLDER OR TENANT.	RESIDENCE OF VOTER.	LEGAL ADDITION.	OBJECTIONS.	WORD OR AFFIRMED. REFUSAL TO SWEAR OR AFFIRM.	MAYOR AND REEVE.	COUNCILLOR.	REMARKS.

NOTE.—In cities, the column above headed "Mayor and Reeve" will be headed "Mayor"; and the column above headed "Councillors" will be headed "Aldermen." In townships, the column above headed "Mayor and Reeve" will be headed "Reeve."

## CAP. VI.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government, for the year one thousand eight hundred and seventy-six, and to provide for certain sums expended for the public service in the years one thousand eight hundred and seventy-four, and one thousand eight hundred and seventy-five.

[*Assented to 10th February, 1876.*]

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by Messages from His Honour Preamble. the Honourable Donald Alexander Macdonald, Lieutenant-Governor of Ontario, and the Estimates accompanying the same, that the sums hereinafter mentioned in the Schedule to this Act, are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes, for the year one thousand eight hundred and seventy-six, and to make good certain expenditures made in the years one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five: May it therefore please your Majesty, that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

**1.** From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied, a sum (not exceeding in the whole) of two million three hundred and seventy-six thousand nine hundred and thirty-nine dollars and twenty-five cents for defraying the several charges and expenses of the Civil Government of this Province, for the year one thousand eight hundred and seventy six and of other services for the years one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, as set forth in Schedule A to this Act.

**2.** Accounts in detail of all moneys received on account of this Province, and of all expenditures under this Act shall be laid before the Legislative Assembly at its next sitting.

**3.** Any part of the money appropriated by this Act, which shall be unexpended on the thirty-first day of December, one thousand eight hundred and seventy-six shall not be expended thereafter.

Expenditure to be accounted for to Her Majesty. **4.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

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## SCHEDULE A.

Sums granted to Her Majesty by this Act for the year one thousand eight hundred and seventy-six, and the purposes for which they are granted.

*Civil Government :*

To defray the expenses of Salaries and Contingencies of the several Departments at Toronto.

Government House.....	\$5,512 00
Lieutenant-Governor's Offices.....	3,444 43
Executive Council and Attorney-General's Office	14,370 00
Treasury Department .....	18,400 00
Secretary and Registrar's Office.....	21,657 50
Department of Public Works .....	20,172 00
" Agriculture .....	1,100 00
Public Institutions .....	6,550 00
Crown Lands Department.....	51,890 00
Miscellaneous .....	10,150 00
<hr/>	
Total of Civil Government.....	\$152,245 93

*Legislation :*

To defray expenses of Legislation .....	\$128,200 00
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*Administration of Justice :*

Court of Chancery .....	\$22,320 00
Court of Queen's Bench .....	10,720 00
Court of Common Pleas .....	5,310 00
Superior Judges and Court of Appeal.....	16,410 00
Criminal Justice .....	175,000 00
Miscellaneous .....	53,960 00
<hr/>	
	\$283,720 00

*Education :*

To Defray Expenses of Public and Separate Schools.....	\$240,000 00
Inspection of Public and Separate Schools.....	28,350 00
Schools in New and Poor Townships .....	10,000 00
Collegiate Institutes and High Schools .....	82,000 00
Inspection of ditto .....	8,080 00
County Examination of Teachers.....	2,950 00
County Teachers' Institute .....	2,800 00
Superannuated Teachers.....	33,000 00
Normal and Model Schools (Toronto), Salaries and Contingencies.....	25,450 00
Educational Museum and Library.....	2,500 00
Journal of Education.....	2,360 00
Maps, Apparatus and Library Books.....	50,000 00

Educational

Educational Depository, Salaries and Contingencies	\$8,215 00
Education Office, ditto.....	23,475 00
Council of Public Instruction.....	2,800 00
Normal School, Ottawa.....	14,120 00
Total of Education.....	\$536,100 00

*Public Institutions—Maintenance:*

To defray expenses of	
Asylum for the Insane, Toronto.....	\$85,446 00
"        " London and Idiot Asylum	
Branch of same .....	85,030 00
Asylum for the Insane, Kingston.....	52,195 00
"        " Orillia.....	20,908 00
"    for Inebriates, Hamilton .....	32,028 00
Provincial Reformatory, Penetanguishene.....	22,130 00
Central Prison.....	50,230 00
Institution for Deaf and Dumb, Belleville .....	33,759 00
"    for Blind, Brantford .....	27,047 23
School of Agriculture .....	18,940 00
"    of Practical Science.....	6,200 00
Total of Public Institutions .....	\$433,913 23

*Immigration:*

To defray expenses of Agencies in Europe.....	\$7,800 00
"        "        " Canada.....	2,400 00
Dominion Government, to meet proportion of charges for forwarding Immigrants to Ontario.....	25,000 00
Carriage of Immigrants in Ontario, including maintenance .....	8,000 00
Provisions for same, including Medical attendance	8,000 00
Assistance by way of payments in reduction of passage money to selected emigrants, and specially consigned to Ontario.....	25,000 00
Commissions to shipping and other occasional Agents forwarding immigrants to Ontario.....	2,000 00
Incidentals .....	800 00
Total of Immigration .....	\$79,000 00

*Agriculture, Arts, Literary and Scientific Institutions:*

To defray expenses of—	
Electoral Division Societies, 81 at \$700.....	\$56,700 00
"        "        " 1 at \$550.....	550 00
"        "        " 6 at \$350.....	2,100 00
Outlying Districts .....	300 00
Fruit Growers' Association.....	1,000 00
Entomological Society.....	750 00
Dairymen's Association.....	2,000 00
Ontario Poultry Association .....	400 00
Agricultural Association .....	10,000 00

Agriculture

Agriculture and Arts Association, in aid of Mu-	
seum and Library for Veterinary purposes...	\$2,000 00
For sundry services in connection with Agriculture	
and Arts, such as—investigations of diseases	
in animals and crops, and of ravages of in-	
sects, and for agricultural instruction, and	
other charges not otherwise provided for...	2,000 00

*Arts:*

Mechanics' Institutes.....	\$20,000 00
Art Union.....	500 00
Ontario Society of Artists, in aid of establishing	
a School of Art and Design.....	1,000 00

*Literary:*

Aid to Canadian Institute, Toronto.....	\$750 00
“ Institut Canadien, Ottawa..	300 00
“ Athenæum,	300 00

*Scientific:*

To promote Scientific research .....	\$500 00
Total.....	-----

\$101,150 00

*Hospitals and Charities.*

To defray expenses of a grant in aid of Hos-	
pitals and Charities :	
For Hospitals and Institutions mentioned in	
Schedule “A” of Statute 37 Vict. cap.33...	\$41,506 93
For Institutions in Schedule “B” of Statute.....	7,526 63
“ “ “ C ” “ .....	7,662 90
Amount required to make appropriations equal to	
last year.....	4,403 89
Required for Hospitals and Charities not in-	
cluded in appropriations of former years.....	4,394 72
Total.....	-----

\$65,495 07

*Miscellaneous Expenditure:*

To cover expenses of collection of revenue for	
Law Stamps and Licenses.....	\$1,000 00
To cover expenses in connection with Munici-	
palities and other Funds.....	100 00
To provide for expenses attending the settlement	
of the Municipal Loan Fund debt and sur-	
plus schemes.....	1,000 00
To provide for expenses <i>re</i> Ontario and Quebec	
settlement (re-vote) .....	4,000 00
To provide for expenses <i>re</i> Northern and Western	
Boundaries (re-vote) .....	4,000 00
Marriage Licenses, printing and incidentals.....	400 00
Inspection of Railways.....	500 00
Ontario Rifle Association.....	600 00
Orillia Asylum Care-taker, and for services from	
1st June, 1872, to 1st April, 1873 (\$165.50.)	405 50

Insurance

Insurance on Public Buildings and Furniture...	\$1,000 00
Consolidation of Statute Law (re-vote in part)....	4,000 00
"                " for printing.....	4,000 00
Expenses of Elections .....	5,000 00
" Contested Elections....	2,000 00
To cover unpaid Election accounts.....	7,000 00
Unpaid accounts for Election trials in 1875.....	2,000 00
County Court Judges, for expenses of revision of Voters' Lists for 1876.....	3,000 00
Gratuities .....	18,882 66
Expenses on Philadelphia Exhibition .....	15,000 00
Claimants—Scott Reward .....	5,000 00
Repairs to Brock's Monument .....	400 00
Expenses of Lieutenant-Governor before Govern- ment House was ready .....	572 29
 Total.....	 \$79,860 45

*Unforeseen and Unprovided :*

To meet Unforeseen and Unprovided... .....	\$50,000 00
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*Public Buildings :*

To defray expenses of—

Asylum for the Insane, Toronto.....	\$4,341 72
Do. London.....	20,000 00
Do. Inebriates, Hamilton.....	41,330 00
Provincial Reformatory, Penetanguishene.....	5,000 00
Central Prison, Toronto.....	16,676 07
Institution for Deaf and Dumb, Belleville.....	2,500 00
Do. Blind, Brantford.....	5,750 00
School of Agriculture.....	14,243 15
School of Practical Science.....	1,000 00
Normal School and Education Office.....	4,000 00
Normal School, Ottawa.....	8,800 00
Osgoode Hall.....	4,500 00
Government House, Toronto...	10,000 00
Parliament and Departmental Buildings.....	3,500 00
Court House and Gaol, Sault Ste. Marie...	1,000 00
Lock-up, Thunder Bay.....	6,000 00
Do. Nipissing District.....	500 00
Do. Muskoka District.....	3,000 00
Registry Office, Parry Sound District.....	100 00
Asylum, Orillia.....	29,000 00
 Total .....	 \$181,240 94

*Public Works :*

To defray expenses of—

Otonabee River Works, cribs and booms, Young's Lock (re-vote, estimated).....	\$2,000 00
Muskoka River, timber slides (re-vote, estimated).	3,940 00
Wye River, dredging bar do.	8,000 00
Mary and Fairy Lakes, channel above Lock (re- vote, estimated).....	500 00

Mary.

Mary and Fairy Lakes, deepening channels, alteration of Bridge at Huntsville, and dam at foot of Mary's Lake.....	\$3,000 00
Ryerson Road Works (re-vote, estimated).....	250 00
Muskoka Lakes Works'—extension of piers at Port Carling Lock, and rock excavation at Joseph River.....	1,500 00
Muskoka Falls Works—Excavation, &c .....	5,000 00
Lindsay Lock—Reconstruction of foundation, and tightening leaks in dam .....	4,000 00
Muskoka Bridge at Port Sandfield.....	2,000 00
Gull and Burnt River Works—Dams and slides. Surveys, inspections, arbitrations, and awards and charges not otherwise provided for.....	5,000 00
Washago and Gravenhurst Road—Maintenance. Maintenance of locks, dams and swing bridges... Lockmasters', caretakers' and bridgetenders' salaries.. .....	5,000 00 500 00 2,000 00 1,400 00
Total of Public Works.....	\$44,090 00

*Colonization Roads:*

To defray expenses of—	
Construction and repairs.....	85,800 00
Charges on Crown Lands—	
To defray expenses on expenditure on account of Crown Lands.. .....	70,600 00

*Refund Account:*

To defray expenses on Education.....	\$750 00
Crown Lands .....	23,000 00
Municipalities Fund .....	25,521 24
Land Improvement Fund.....	18,630 16
Total Refund account.....	\$67,901 40
To defray the expenses of certain services of the year 1874, as detailed in Statement } No. 37 of the Public Accounts for 1874. }	16,622 23
Total Estimate for 1876.....	\$2,376,939 25

## CAP. VII.

An Act to carry into effect certain suggestions made by the Commissioners for Consolidating the Statutes, and for other amendments of the law.

[Assented to 10th February, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The Acts and parts of Acts mentioned in Schedule A, Acts repealed. hereto annexed, to the extent shown in the third column of said Schedule, are hereby repealed so far as they relate to matters within the legislative authority of the Legislature of this Province.

**2.** The Act and parts of Acts mentioned in Schedule B Acts amended. to this Act are hereby amended to the extent and in the manner mentioned in the third and fourth columns of said Schedule.

**3.** The Treasurer of the Province of Ontario is hereby substituted for the Board of Registration and Statistics mentioned in section thirty-five of the Consolidated Statutes of Canada, chapter thirty-three, and the returns required by the said section to be made to the said Board shall be henceforth made to the said Treasurer.

**4.** The Lieutenant-Governor in Council may appoint a suitable person to be the Marshal and Clerk of Assize for the County of York, who shall hold office during pleasure;

(2.) The person so appointed shall perform the duties of Marshal and Clerk of Assize at the Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery for the County of York, and shall be subject to all the provisions of chapter eleven of the Consolidated Statutes for Upper Canada, in reference to records, exhibits and other documents; and he shall also perform such other duties as he may from time to time be directed by rules of the Judges of the Courts of Queen's Bench and Common Pleas to perform; and subject to such duties and rules he shall be a clerk in the office of the clerk of the Crown and Pleas of the Queen's Bench;

(3.) The person so appointed shall take and receive the same fees only as the Marshals and Clerks of Assize under chapter eleven of the Consolidated Statutes for Upper Canada; and such fees shall be by him accounted for, paid over and applied in the same manner as the other fees taken under the authority of the said last mentioned Act, and he shall not take for his own use or benefit, directly or indirectly, any fee or emolument save the salary to which he may be entitled by law;

Clerk of  
Courts of Oyer  
and Terminer  
and General  
Gaol delivery  
when held in  
County of  
York at same  
time as  
Assizes.

(4.) When the Court of Assize and Nisi Prius in the County of York is held separate and apart from the Courts of Oyer and Terminer and General Gaol Delivery in the said County, and at the same time, the Clerks of the Crown and Pleas of the Superior Courts of Law shall alternately (commencing with the senior in office of such Clerks) personally or by Deputy act as Clerks of the Courts of Oyer and Terminer and General Gaol Delivery, only as long as the two Courts sit separately at the same time.

Registrar may  
be appointed  
for the Court  
of Error and  
Appeal.

5. The Registrar of the Court of Chancery shall not be *ex officio* Registrar of the Court of Error and Appeal, but the Lieutenant-Governor in Council may appoint a suitable person to be the Registrar of the said Court of Error and Appeal;

Fees of Regis-  
trar to form  
part of Con.  
Rev. Fund.

(2.) The person so appointed shall not take for his own use or benefit, directly or indirectly, any fee or emolument save the salary to which he may be entitled by law; and all fees received by him on account of the said office shall form part of the Consolidated Revenue Fund of the Province of Ontario.

County Court  
Appeals to be  
made to Court  
of Error and  
Appeal.

6. Appeals from the County Courts under the sixty-seventh and sixty-eighth sections of the Consolidated Statutes for Upper Canada, chapter fifteen, as amended by the thirteenth section of an Act passed by the Legislature of Ontario in the thirty-third year of Her Majesty's reign, and chaptered seven, shall hereafter be made to the Court of Error and Appeal instead of either of the Superior Courts of law; and in lieu of the security required by the said sections, the party wishing to appeal may, within the time thereby limited for the perfecting of an appeal bond, give security by paying into Court as hereinafter provided the sum of four hundred dollars, or such other sum as the Judge of the Court appealed from may direct, to remain in Court as security for the payment of all sums of money and costs, as well of the suit as of the appeal awarded and taxed to the opposite party.

Security may  
be given by  
deposit in lieu  
of bond.

Payment of  
money into  
court or to real  
representative.

7. Money to be paid into the Court of Queen's Bench or Common Pleas, at Toronto, into any County Court or into the Surrogate Court of the County of York or to the real representative in any county by any person, shall hereafter be paid into some incorporated bank designated for this purpose, from time to time, by order of the Lieutenant-Governor in Council; or where there is no such bank, then into some incorporated bank in which public money of the Province is then being deposited, and which has been appointed for this purpose by any general rule or order made in the same manner as other general rules or orders of the said courts respectively are by law directed to be made; or if no bank has been so appointed, then into any bank in which public money of the Province is then being deposited;

Procedure.

(2) The money shall be so paid in to the credit of the cause or matter in which the payment is made, with the privity of the Clerk or Registrar of the Court, or the representative as the

the case may be, and in no other manner; and such money withdrawal shall only be withdrawn on the order of the Court or a Judge thereof, with the privity of the Clerk or Registrar of the Court;

(3) When money is so paid in under a plea of payment into court, the Clerk on the production of the receipt of the Bank Plea of payment into court. for the money or other satisfactory proof of such payment, shall sign a receipt for the amount in the margin of the plea;

(4) The Clerk or Registrar shall keep a book or books containing an account of all moneys so paid in, and of the withdrawal thereof; and shall prepare in the month of January in every year a statement of all moneys so paid in and withdrawn respectively and a statement of the condition of the various accounts upon the thirty-first day of the preceding December, and shall transmit to the Provincial Secretary and to the Judge or each of the Judges of the Court, a copy of such statement, with a declaration thereto annexed made before a Justice of the Peace or Commissioner for taking affidavits, in the form following:

I hereby solemnly declare that the annexed statement is a Verification of full and true statement of the moneys paid into the Court of statement by clerk or regis- during the year 18 , and that it correctly shows trar. the state of the various accounts therein mentioned upon the thirty-first day of December last.

(Signature) A. B.,  
Clerk, or Registrar.

Subscribed and declared before me at , this  
day of January, 18 .

C. D.,  
Commissioner for taking Affidavits, or  
Justice of the Peace.

(5) The book or books so to be kept shall be open for inspection within office hours; and the Clerk or Registrar shall give a certificate of the state of any account or an extract therefrom at the desire of any party interested, or his attorney or solicitor on payment to the Clerk or Registrar of the sum of twenty cents for such inspection or certificate, and the sum of ten cents per folio for such extract, which sums shall in the Superior Courts of Law be payable in stamps, subject to the provisions of the Act of the late Province of Canada, passed in the twenty-seventh and twenty-eighth years of Her Majesty's reign, and chaptered five.

**8.** A replevin bond shall be subject to the provisions of the eighth section of the Act passed by the Imperial Parliament in the eighth and ninth years of the reign of His Majesty King William the Third, and chaptered eleven.

**9.** Notice requiring an interpleader issue to be tried by a jury may be filed and served by the plaintiff with the issue,

and by the defendant within four days after the delivery of the issue by the plaintiff; the notice may be in the form prescribed by the eighteenth section of "The Law Reform Act of 1868," and a copy thereof shall be annexed to the record.

Purchaser of  
mortgage may  
set up defence  
of purchase for  
value without  
notice.

For above de-  
fence proof of  
payment  
unnecessary.

Attorney-Gen-  
eral may ap-  
ply under 29  
V. c. 25, to  
quiet title to  
Crown Lands.  
Procedure.

"Holiday"  
what to include,  
31 V. c. 1, s. 6  
(13), amended.

31 V. c. 18,  
s. 2 amended.

General Com-  
mission of  
Peace to revoke  
but Supple-  
mentary Com-  
mission not to  
revoke former  
Commissions.

Registry Act,  
31 V. c. 20, s.  
75, amended.

Bearings to be  
astronomical,  
not magnetic.  
Plan to be  
signed by per-  
son filing it.

**10.** The purchaser in good faith of a mortgage may, to the extent of the mortgage, (and except as against the mortgagor, his heirs, executors or administrators,) set up the defence of purchase for value without notice in the same manner as a purchaser of the property mortgaged might do.

**11.** It shall in no case be necessary, in order to maintain the defence of a purchase for value without notice, to prove payment of the purchase money or any part thereof.

**12.** Her Majesty's Attorney-General for the Province of Ontario may apply, under the Act for Quietting Titles to Real Estate in Upper Canada, for an investigation of the title of the Crown to any lands in Ontario, and a declaration of the validity thereof: The application may be made by information instead of petition, but in other respects the practice and procedure upon such an application shall be the same as in ordinary cases.

**13.** In addition to the days mentioned in the thirteenth subsection of section six of "The Interpretation Act" passed by the Legislature of Ontario in the thirty-first year of Her Majesty's reign, the word "holiday" shall include any day appointed by proclamation of the Governor-General or the Lieutenant-Governor as a public holiday; and no Sheriff, Registrar, Deputy Clerk of the Crown, Clerk of a County Court or officer employed in the collection of the Provincial Revenue shall hereafter be required to keep his office open on any holiday.

**14.** Section two of the Act chapter eighteen of the Acts passed by the Legislature of Ontario in the thirty-first year of Her Majesty's reign, is hereby amended so as to read, and shall be construed as if the same had always read, as follows:

"Whenever a new General Commission of the Peace shall be issued, all and such like former General Commissions shall become absolutely revoked and cancelled, but nothing in this Act shall prevent the reappointment of any Justice of the Peace named in such former Commission, if the Lieutenant-Governor shall think fit, and the issue of a supplementary commission of the Peace for any county shall not operate as a revocation of any General Commission."

**15.** Section seventy-five of the "Registration of Titles (Ontario) Act," as amended by the twenty-ninth chapter of the Acts passed by the Legislature of Ontario in the thirty-fifth year of Her Majesty's reign, is hereby amended by inserting the words "astronomical or" before the word "magnetic" where it occurs in said Act chapter twenty-nine; and hereafter the map or plan in

in said section referred to shall, before being registered, be signed by the person or the chief officer of the corporation by whom or on whose behalf the same is filed, as well as certified by a Provincial Land Surveyor.

**16.** For the purposes of the Act passed in the thirty-third year of Her Majesty's reign and chaptered twenty-four, the Township of Conger. Township of Conger is hereby detached from the County of Simcoe and annexed to the territorial district of Parry Sound.

**17.** The Territorial District of Muskoka for the purposes of the Act passed by the Legislature of this Province, in the thir-ty-first year of Her Majesty's reign, and chaptered thirty-five, and the Acts amending the same, shall comprise the territory bounded on the south by the middle of the main channel of the River Severn, and a line formed by the southerly boundaries of the Townships of Morrison and Ryde, the easterly boundary of Ryde, the southerly boundary of the Township of Oakley, the easterly boundary of Oakley and the southerly boundary of the Township of Ridout; bounded on the east by the Bobcaygeon road and the line surveyed for the continuation of the said road; on the north by the southerly boundary of the Territorial District of Parry Sound; and on the west by the waters of the Georgian Bay; including the islands in the Georgian Bay, lying west of the said territory and adjacent thereto.

**18.** In incorporated villages and townships there shall be a Deputy-reeve for every five hundred names of freeholders and householders in the last revised assessment roll of the municipality, possessing the same property qualification as voters, 36 V. c. 48 notwithstanding that such persons may not be entitled to be 37 ss. 68 and 69 amended. voters.

**19.** Whenever under the provisions of section forty-eight of the "Consolidated Public School Act of 1874," a township council has determined to abolish the division of the township into school sections, and to authorize the establishment of one public school board therefor, the council may, in case they deem it advisable that the members of such board should be elected by wards, either by the same or another by-law, divide the township into five school wards, and in such case one of the five trustees shall thereafter be elected in and for each of such school wards in the manner prescribed by the said section.

**20.** When the last Monday in December happens to be Christmas Day, the nomination of candidates for the office of mayor and aldermen in cities, and of mayor, reeve, deputy-reeve and councillors in other municipalities, shall take place on the preceding Friday at the times and places and in the manner prescribed by law.

36 V. c. 135, s.  
18, amended.

**21.** Section eighteen of the Act, chapter one hundred and thirty-five of the Acts passed in the thirty-sixth year of Her Majesty's reign intituled "An Act respecting the property of Religious Institutions in the Province of Ontario," is hereby repealed, and the following substituted in lieu thereof; and the Act shall be construed as if the following had been in the Act from the time of the passing thereof:

C. S. U. C.  
c. 69; 24 V.  
c. 43; 27 & 28  
V. c. 53; 33 V.  
c. 29; 32 V.  
c. 50; 35 V.  
c. 35, repealed.

(18.) "The Act chaptered sixty-nine, of the Consolidated Statutes for Upper Canada, intituled 'An Act respecting the property of Religious Institutions in Upper Canada,' the Act passed in the twenty-fourth year of Her Majesty's reign, chaptered forty-three; the Act passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, and chaptered fifty-three; the Act passed in the thirty-third year of Her Majesty's reign, chaptered twenty-nine; the Act passed in the thirty-second year of Her Majesty's reign, chaptered fifty; and the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered thirty-five are hereby respectively repealed, saving any rights, proceedings or things legally had, acquired or done under the said Acts, or any of them."

Court of  
Appeal.

**22.** The Court of Error and Appeal shall hereafter be styled the Court of Appeal.

If a deceased person has no personal representative, proceedings may go on, or the court may appoint a representative.

**23.** Where, in any suit or other proceeding, it is made to appear that a deceased person who was interested in the matters in question has no legal personal representative, the Court or a Judge may either proceed in the absence of any person representing the estate of the deceased person, or may appoint some person to represent such estate for all the purposes of the suit or other proceeding, on such notice to such person or persons, if any, as the court may think fit, either specially or by public advertisement, and notwithstanding that the estate in question may have a substantial interest in the matters, or that there may be active duties to perform by the person so appointed, or that he may represent interests adverse to the plaintiff, or that there may be embraced in the matter an administration of the estate where representation is sought; and the orders so made and any orders consequent thereon, shall bind the estate of such deceased person in the same manner in every respect as if there had been a duly appointed legal personal representative of such person, and such legal personal representative had been a party to the suit or proceeding, and had duly appeared and had submitted his rights and interests to the protection of the Court.

33 V. c. 4, s. 5,  
amended as  
to appeal from  
magistrates.

**24.** Section five of the Act passed in the thirty-eighth year of the reign of Her Majesty, and intituled "An Act respecting the operation of Statutes of Ontario," is hereby amended by striking out the words "or stipendiary" where they occur in the second line of the said section, and by adding to the said section the words "provided that no appeal shall lie from the judgment

judgment or decision of a stipendiary magistrate appointed for any temporary judicial or territorial district."

**25.** Section eighteen of "Ontario Joint Stock Companies' Letters Patent Act, 1874," is hereby repealed, and the following substituted in lieu thereof, and the Act shall be construed as if the following had been in the Act when the same was passed :—

"18. The affairs of every such company shall be managed by a board of not less than three directors."

**26.** The first five sections of the Act passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, and chaptered eighteen, intituled "An Act respecting personal estates of small value," shall apply to estates where the whole value of the real and personal estate of a testator or intestate does not exceed two hundred dollars, and shall apply to executors or administrators.

## SCHEDULE A.

### SHOWING ACTS OR PARTS OF ACTS REPEALED.

REFERENCE TO ACT.	TITLE OF ACT.	EXTENT OF REPEAL.
Con. Stat. Can. c. 3.....	An Act containing special provisions concerning both Houses of the Provincial Parliament.	The whole.
Con. Stat. Can. c. 11.....	An Act respecting the Civil Service generally.	The whole.
Con. Stat. Can. c. 12.....	An Act respecting the Commissions of Public Officers and the oaths of office and security to be taken and given by them.	Sections eight to twenty-two inclusive.
Con. Stat. Can. c. 14.....	An Act respecting the Public moneys, debt and accounts.	The whole.
Con. Stat. Can. c. 16.....	An Act respecting the collection and management of the Revenue, the auditing of Public Accounts, and the liability of Public Accountants.	Sections fifteen to twenty-nine inclusive.
Con. Stat. Can. c. 33.....	An Act respecting the Board of Registration and Statistics and the Census and Statistical information.	The whole except section thirty-five and the first clause of section thirty-two, ending with the word "congregation."
Con. Stat. U. C. c. 4 .....	An Act respecting Government Debentures.	The whole.

## SCHEDULE

SCHEDULE A.—*Continued.*

REFERENCE TO ACT.	TITLE OF ACT.	EXTENT OF REPEAL.
Con. Stat. U. C. c. 11.	An Act respecting Courts of Oyer and Terminer and General Gaol Delivery, and of Assize and <i>Nisi Prius</i> .	Sections nineteen and twenty-three.
Con. Stat. U. C. c. 13.....	An Act respecting the Court of Error and Appeal.	Section seven.
Con. Stat. U. C. c. 22.....	An Act to regulate the Procedure of the Superior Courts of Common Law and of the County Courts.	Section one hundred.
Con. Stat. U. C. c. 33.....	An Act respecting the Law Society of Upper Canada.	So much of the schedule to section six as requires the payment of a fee upon the filing of an amended Bill in the Court of Chancery.
Con. Stat. U. C. c. 87.	An Act respecting Mortgages of Real Estate.	The words "any power of sale in his Mortgage or," in the fourth and fifth lines of section one.
23 Vict. c. 24...	An Act respecting Foreign judgments and decrees.	Section one.
27-8 Vict. c. 6..	An Act to amend the Law respecting the Public Accounts and the Board of Audit.	The whole.
36 Vict. c. 8 ...	An Act for the better Administration of Justice in the Courts of Ontario.	All the words in section forty-four after the word "case," in the ninth line of said section.
36 Vict. c. 44...	An Act to consolidate and amend the Laws having reference to Mutual Fire Insurance Companies in the Province of Ontario.	All the words in section thirty-six after the word "Company" in the fourth line of said section.
36 Vict. c. 48...	An Act respecting Municipal Institutions in the Province of Ontario.	Section three hundred and sixteen.
37 Vict. c. 7 ...	An Act to make further provision for the due Administration of Justice.	All the words in section seventeen after the word "court," in the thirteenth line of said section.
37 Vict. c. 19...	An Act to amend the Assessment Law.	Section twenty-two.

## SCHEDULE B.

## SHEWING ACTS AND PARTS OF ACTS AMENDED.

REFERENCE TO ACT.	TITLE OF ACT.	SECTIONS AMENDED.	NATURE OF AMENDMENT.
C. S. U. C., c. 3 .....	An Act respecting the Territorial Division of Upper Canada .....	Section one, sub - section twenty three	By striking out the word "Thora," and substituting the words "Thorah, including Canise Island."
C. S. U. C., c. 11.....	An Act respecting Courts of Oyer and Terminer and General Gaol Delivery, and of Assize and <i>Nisi Prius</i> .....	Section seven so far as relates to Courts of Assize and <i>Nisi Prius</i> .	By striking out the word "eight," in the eighth line, and substituting the word "six."
C. S. U. C., c. 12.....	An Act respecting the Court of Chancery .....	Section thirty-four.....	By striking out the words "Registrar of the Court," in the third line of sub-section three, and substituting the words "such officer as the Court may appoint."
		Section thirty-seven.....	By striking out the words "the Registrar of the Court," in the sixth, and seventh lines of sub-section one, and the words "the Registrar," in the ninth line of sub-section one, and in the second line of sub-section two, and substituting the words "any officer appointed by the Court for that purpose," and by inserting between the word "Court" and the word "and" in the fifth line of sub-section one the words "and for filing the inventory hereinafter mentioned."
C. S. U. C., c. 80.....	An Act respecting claims to lands in Upper Canada, for which no Patents have issued .....	Section two..	By inserting after the word "Commissioners," in the first line, the words "the Chief Justice, or one of the Justices of the Court of Error and Appeal."
C. S. U. C., c. 87.....	An Act respecting Mortgages of Real Estate .....	Section two..	By striking out the words "takes a release of the equity of redemption of the mortgagor or his assignee in such mortgaged property or purchases the same under any power of sale in his mort-

SCHEDULE

SCHEDULE B.—*Continued.*

REFERENCE TO ACT.	TITLE OF ACT.	SECTIONS AMENDED.	NATURE OF AMENDMENT.
31 Vict., c. 20.....	An Act respecting Registrars, Registry Offices and Registration of Instruments relating to Land in Ontario.....	Section nineteen.....	gage, or any judgment or decree," and substituting the words "acquires the equity of redemption of the mortgagor in the manner aforesaid."
36 Vict., c. 16.....	An Act to amend the Act respecting partition of Real Estate.....	Section eleven.....	By striking out the words "Ash Wednesday," in the fourth and fifth lines.
36 Vict., c. 48.....	An Act respecting Municipal Institutions in the Province of Ontario.....	Section two hundred and ninety-eight	By adding after the word "title," in the seventh line, the words "to the Estates and Interests in the lands partitioned to which all or any of the parties interested therein as co-tenants with the petitioner or any one claiming under them or any or either of them or under the petitioner are entitled.
37 Vict., c. 7.	An Act to make further provision for the due administration of Justice.	Section nine.	By striking out the words "two hundred and forty-seven," in the seventh line, and substituting the words "two hundred and forty-eight."
		Section twenty-six.....	By inserting after the words "Superior Courts of law" in the last line, the words "or by one of the Justices of the Court of Error and Appeal."
		Section twenty-eight.....	By inserting after the word "vice-chancellors" in the sixth line, the words "or one of the Justices of the Court of Error and Appeal."

SCHEDULE B.—*Continued.*

REFERENCE TO ACT.	TITLE OF ACT.	SECTIONS AMENDED.	NATURE OF AMENDMENT.
37 Vict., c. 16.....	An Act to amend an Act respecting Municipal Institutions in the Province of Ontario.....	Section seventeen.....	By inserting the word "township" before the words "town or village," in the fourth and sixth lines.
37 Vict., c. 27.....	An Act to amend and consolidate the law relating to the Council of Public Instruction, the Normal Schools, Collegiate Institutes, and High Schools.	Section twenty-seven..... Section thirty-one .....	By striking out the words "and fix their remuneration," at the end of subsection four. By striking out the words "fifty-first and fifty-third," in the third line of subsection one, and substituting the words "sixty sixth and following."
37 Vict., c. 28	An Act to amend and consolidate the Public School Law." .....	Section forty-six .....	By striking out all the words of the sixth sub-section from the word "amount" in the second line, to the words "any loan" in the fifth line, and substituting the word "of."
		Section sixty.....	By striking out the word "thirty-ninth" in the second line of sub-section three, and in the third line of sub-section seven, and substituting the word "forty-sixth."
		Section sixty-two.....	By inserting the words "and the following" before the word "section" in the fourth line of sub-section two."
		Section one hundred and fifty-nine ...	By striking out the words "one hundred and seventy-seventh" in the tenth line, and substituting the words "one hundred and ninetieth."
		Section one hundred and sixty-one ...	By striking out the words "one hundred and forty-third" in the third and fourth lines, and substituting the words "one hundred and fifty-second and one hundred and fifty-third."

SCHEDULE B.—*Continued.*

REFERENCE TO ACT.	TITLE OF ACT.	SECTIONS AMENDED.	NATURE OF AMENDMENT.
		Section one hundred and sixty-three..	By striking out the words "thirtieth and" in the seventh line, and substituting the words "thirty-eighth and two."
		Section one hundred and sixty-six ...	By striking out the words "fifty-second" in the third line, and substituting the word "sixtieth."
		Section one hundred and eighty-one. .	By striking out the word "eighty-seventh" in the eighteenth line, and substituting the word "ninety-second."
38 Vict., c. 65.....	An Act to amend the laws relating to Fire Insurances .....	Section two...	By striking out the word "not," in the fourteenth line.

## CAP. VIII.

An Act respecting certain Administrative matters therein mentioned.

[Assented to 10th February, 1876]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lt.-Governor  
may appoint  
Deputy

1. The Lieutenant-Governor may, with the advice and consent of the Executive Council, from time to time appoint any person or persons, jointly or severally, to be his deputy or deputies within any part or parts of the Province, in respect of matters which are within the legislative authority of the Province in this behalf; and such deputy or deputies may exercise, during the pleasure of the Lieutenant-Governor, such powers, authorities and functions of the Lieutenant-Governor as, being within the legislative authority of this Province, the Lieutenant-Governor deems necessary or expedient to assign to such deputy or deputies; but the appointment of such deputy or deputies shall not affect the exercise by the Lieutenant-Governor of any power, authority or function.

**2.** Out of the surplus interest now accumulated upon moneys \$25,000 of sur-  
in the hands of, or invested by, the accountant of the Court of plus interest in  
Chancery, the sum of twenty-five thousand dollars shall be applied to  
transferred to the credit of the Treasurer of the Province, to be applied to buildings for  
applied towards the erecting and completing of buildings for  
the accommodation of the Superior Courts of Law and Equity,  
and the various officers of said courts; Provided that the said  
sum shall be subject to any claims to the same or any portion  
thereof which may hereafter be made and established by any  
of the suitors of the said Court or their representatives.

**3.** The eighty-eighth section of the Act to amend the Admin- Sec. 83 of Ad-  
ministration of Justice Act, 1874, shall not apply to advertising ministration  
the list of convictions by Justices of the Peace, or to other Act of 1874,  
advertising the whole expense of which is payable by the amended as to  
county; and tenders for all such are to be publicly advertised advertizing.  
for by the council of the county, subject to such conditions, if  
any, as to circulation and other matters, as the council may  
think just, and the contract shall be given to the newspaper  
making the lowest tender, on or subject to the said conditions,  
if any there shall be.

**4.** The Inspector of Public Asylums, Hospitals, Common Inspector of  
Gaols, and Reformatories in the Province, appointed under The Prisons and  
Prison and Asylum Inspection Act, 1868, may hereafter, in any Public Charities.  
statute or proceeding, be referred to as "The Inspector of Pri-  
sons and Public Charities."

**5.** The Lieutenant-Governor may authorize such person or Lt.-Governor  
persons as he may think fit, to perform, under the supervision of may authorize  
the Inspector, or otherwise as the Lieutenant-Governor may persons to  
direct, any of the duties belonging to the office of the said In- assist the In-  
spector, and in the performance of the said duties such person spector of Pri-  
or persons may exercise the like powers and authorities as are sons.  
possessed by the Inspector.

## CAP. IX.

### An Act respecting the Legislative Assembly.

[Assented to 10th February, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Legislative Assembly may, at all times, command and Power to com-  
compel the attendance before such Assembly or before any com- pel attendance  
mittee &c. of witnesses,

mittee thereof, of such persons, and the production of such papers and things as such Assembly or Committee may deem necessary for any of its proceedings or deliberations.

**Speaker's warrant for attendance, etc.**

**2.** Whenever the said Legislative Assembly requires the attendance of any person or persons before the said Assembly or before any Committee thereof, the Speaker may issue his warrant or subpoena, directed to the person or persons named in the Order of the said Legislative Assembly requiring the attendance of such person or persons before the said Legislative Assembly or a Committee thereof, and the production of such papers and things as may be ordered.

**Protection of persons acting under authority.**

**Warrants may command aid.**

**3.** No person shall be liable in damages or otherwise, for any act done under the authority of the Legislative Assembly and within its legal power, or under or by virtue of any warrant issued under such authority: all such warrants may command the aid and assistance of all sheriffs, bailiffs, constables, and others, and every refusal or failure to give such aid or assistance when required, shall be an infringement of this Act.

**Freedom of speech and action by members.**

**4.** No member of said Assembly shall be liable to any civil action or prosecution, arrest, imprisonment, or damages by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise, or said by him before the said Assembly.

**Freedom from arrest.**

**5.** Except for any breach of this Act, no member of said Assembly shall be liable to arrest, detention or molestation for any debt or cause whatever of a civil nature within the legislative authority of this Province, during any Session of the Legislature, or during the twenty days preceding or the twenty days following such Session.

**Freedom of members and officers from serving as jurors.**

**6.** During the periods mentioned in the preceding section all members, officers and employees of said Assembly, and all witnesses summoned to attend before the same or any committee thereof, shall be exempt from serving or attending as jurors before any court of justice in this Province.

**Members not to receive fees for drafting bills. &c.**

**7.** No member of the Legislative Assembly shall knowingly accept or receive, either directly or indirectly, any fee, compensation or reward for or in respect of the drafting, advising upon, revising, promoting or opposing any bill, resolution, matter or thing submitted or intended to be submitted to the consideration of the said Assembly or of any committee thereof.

**Barristers, &c., being partners of members, not to receive fees for drafting bills. &c.**

**8.** No Barrister, Solicitor or Attorney who, in the practice of his profession, is a partner of any member of the Legislative Assembly, shall accept or receive, either directly or indirectly, any fee, compensation or reward as aforesaid.

**9.** Any person wilfully violating the provisions of the two preceding sections of this Act shall be subject to a penalty of five hundred dollars over and above the amount or value of the fee, compensation or reward accepted or received by him, to be paid with full costs of suit to any one who will sue therefor, one half thereof to be paid to the person so suing and the other half to Her Majesty for the public uses of this Province.

**10.** In case judgment is recovered against any member of the Legislative Assembly for any penalty under the ninth section of this Act, or in case by a resolution of the said Assembly it is declared that a member thereof has been guilty of a violation of the seventh section of this Act, or in case on the trial of an election petition filed within six months from the alleged violation, it is found by the Judge trying such petition that a member has committed a violation of the seventh section of this Act, the election of such member shall thereby become void, and the seat of such member shall be vacated, and a writ shall issue for a new election as if he were naturally dead, and the said member shall *ipso facto* be incapable of being elected to or of sitting in the Legislative Assembly during the then existing House of Assembly.

**11.** The said Assembly shall have all the rights and privileges of a Court of Record for the purpose of summarily enquiring into and punishing, as breaches of privilege or as contempt of court (without prejudice to the liability of the offenders to prosecution and punishment criminally or otherwise according to law independently of this Act), the acts, matters and things following :—

1. Assaults, insults or libels upon members of the Legislative Assembly during the Session of the Legislature and twenty days before and after the same ;

2. Obstructing, threatening or attempting to force or intimidate members of said Assembly ;

3. The offering to or acceptance of a bribe by any member of said Assembly to influence him in his proceedings as such, or the offering to or acceptance of any fee, compensation or reward by any such member for or in respect of the drafting, advising upon, revising, promoting or opposing any bill, resolution or matter or thing submitted to or intended to be submitted to the said Assembly or any committee thereof;

4. Assaults upon or interference with officers of said Assembly, while in the execution of their duty ;

5. Tampering with any witness in regard to evidence to be given by him before said Assembly, or any committee thereof ;

6. Giving false evidence or prevaricating or otherwise misbehaving in giving or refusing to give evidence or produce papers before the said Assembly or any Committee thereof ;

7. Disobedience to subpoenas or warrants issued under the authority of this Act to compel the attendance of witnesses before the House or any of its Committees ;

Penalty for  
violation of  
ss. 7 and 8,

Member guilty  
of a violation  
of ss. 2 and 3,  
to be vacated.

Legislative  
Assembly to  
have jurisdic-  
tion to try cer-  
tain matters.

bribe and offer-  
ing of fee,

disobedience  
to subpoena,

presenting  
false  
documents,  
etc.  
falsifying  
records, etc.

bringing action  
or arresting for  
conduct as  
member.

Arresting for  
debt, etc.

Jurisdiction  
given as to  
enquiring and  
punishing.

Punishment.

Contravention  
of s. 11, and  
arrest therefor.

Decision of  
Legislative  
Assembly to  
be final.

Breach of s. 7  
to be deemed  
a corrupt  
practice.

8. Presenting to said Assembly or to any committee thereof, any forged or falsified document, with intent to deceive such Assembly or committee;

9. Forging, falsifying or unlawfully altering any of the records of said Assembly, or of any committee thereof, or any document or petition presented or filed or intended to be presented or filed before said Assembly or committee, or the setting or subscribing, by any person, of the name of any other person to any such document or petition with intent to deceive;

10. The bringing of any civil action or prosecution against, or the causing or effecting of any arrest or imprisonment of any member of said Assembly in any civil proceeding, for or by reason of any matter or thing brought by him by petition, bill, resolution, motion, or otherwise, or said by him before said Assembly;

11. The causing or effecting of the arrest, detention, or molestation, of any member of said Assembly for any debt or cause whatever of a civil nature, during any Session of the Legislative Assembly, or during the twenty days preceding or the twenty days following such session;

And for the purposes of this Act, the said Assembly is hereby declared to possess all such powers and jurisdiction as may be necessary or expedient for enquiring into, judging and pronouncing upon the commission or doing of any such acts, matters or things, and awarding and carrying into execution the punishment thereof provided for by this Act.

12. Every person who, upon any such enquiry appears to have committed or done any of the acts, matters, or things, in the preceding section mentioned, in addition to any other penalty or punishment to which he may by law be subject shall be liable to an imprisonment for such time, during the Session of the Legislative Assembly then being held, as may be determined by the Legislative Assembly.

13. Whenever the said Legislative Assembly declares that any person has been guilty of a contempt for any of the acts, matters and things in section eleven set forth, and directs such person to be taken into custody or to be imprisoned, the Speaker shall issue his warrant to the Sergeant-at-Arms attending the House, or to the keeper or governor of the common gaol in the County of York, to take such person into custody and to keep and detain him in custody in accordance with the order of the said Legislative Assembly in that behalf.

14. The determination of the Legislative Assembly upon any proceeding under this Act and within the legislative authority of this Province shall be final and conclusive.

15. Any violation of the seventh section shall be deemed a corrupt practice, and an election petition setting up the same may be filed within six months after the offence in the same manner, and

and the proceedings thereupon and the effect of every judgment, report and order therein shall be the same as in the case of other election petitions.

**16.** In case of any civil proceeding or prosecution against any person for, or on account, or in respect of the publication of any copy of any report, paper, votes or proceedings printed by order of said Assembly, the defendant, at any stage of the proceedings, may lay before the court or judge such report, paper, votes or proceedings, and such copy, with an affidavit verifying such report, paper, votes or proceedings, and the correctness of such copy and that such report, paper, votes or proceedings was printed and published by order of the said Legislative Assembly; and the court or judge shall immediately stay such civil proceedings, and the same, and every writ or process issued therein, shall be, and shall be deemed to be, finally put an end to, determined and superseded by virtue of this Act.

**17.** It shall be lawful in any civil proceeding against any person, for printing any extract from, or abstract of any such report, paper, votes or proceedings, to give in evidence under the general issue or denial, such report, paper, votes or proceedings, and to show that such extract or abstract was published *bonâ fide* and without malice, and if such shall be the opinion of the court or of the jury, as the case may be, judgment shall be rendered, or a verdict shall be entered, for the defendant.

**18.** In any such proceeding, any copy of the journals of the Legislative Assembly, printed or purporting to be printed by the order of the same, shall be admitted as evidence of such journals by all courts, justices and others, without any proof being given that such copies were so printed.

**19.** Except so far as is provided in the eighth section of this Act, nothing herein shall be construed to deprive the Legislative Assembly, or any committee or member thereof, of any rights, immunities, privileges or powers which the said Assembly, committee or member might, but for this Act, have been entitled to exercise or enjoy.

**20.** A Privy Councillor of the Dominion of Canada, not being a member of the Senate or House of Commons, shall not be ineligible as a member of the Legislative Assembly or disqualified to sit or vote in the same.

**21.** No election or return which has taken place before the passing of this Act shall be void by reason of any matter or thing contained in the Act passed in the thirty-second year of Her Majesty's reign, intituled "An Act to secure the independence of the Legislative Assembly;" and no person heretofore elected a member of the Legislative Assembly shall be subject to

Protection of  
persons pub-  
lishing parlia-  
mentary  
papers, &c.

Protection o  
persons pub-  
lishing ab-  
stracts of par-  
liamentary  
papers.

Printed copies  
of journals to  
be evidence.

Act not to  
abridge privi-  
leges &c., in-  
herent in Le-  
gislative As-  
sembly or its  
members.

Privy Coun-  
cillor of Do-  
minion when  
eligible as  
member of  
Leg. Ass.

Certain mat-  
ters not to  
affect elections  
of persons  
heretofore  
elected.

Not to apply  
to pending  
cases.

to the penalty mentioned in the fifth section of the said Act: But this section shall not apply to any election or return in respect of which an election petition is now pending, or to any penalty for which an action is now pending.

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## CAP. X.

## An Act to further amend the law respecting Elections of Members of the Legislative Assembly, and respecting the trial of such Elections.

[Assented to 10th February 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## CORRUPT PRACTICES.

Candidate not  
corruptly to  
provide  
refreshment.

**1.** No candidate shall corruptly, by himself or by or with any person, or by any other way or means on his behalf, at any time either before or during an election, directly or indirectly give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay wholly or in part any expenses incurred for, any meat, drink, refreshment or provision to or for any person, in order to be elected, or for being elected, or for the purpose of corruptly influencing such person or any other person to give, or refrain from giving, his vote at such election: And every person so acting shall be deemed guilty of corrupt practice, and shall forfeit the sum of two hundred dollars to any person who sues for the same, with full costs of suit, in addition to any other penalty to which he may be liable therefor.

Penalty.

Giving meat  
or drink to  
electors.

**2.** The giving or causing to be given to any voter on the nomination day or day of polling on account of such voter having voted or being about to vote, any meat, drink or refreshment, or any money or ticket to enable such voter to procure refreshment, shall be deemed a corrupt practice, and the person offending shall also forfeit the sum of ten dollars for each offence to any person suing for the same, with full costs of suit.

Penalty.

No strong  
drink to be  
sold on polling  
day.

**3.** No spirituous or fermented liquor or strong drink shall be sold or given at any hotel, tavern, shop or other place within the limits of a polling district, during the polling day therein or any part thereof, under a penalty of one hundred dollars for every offence; and the offender shall be subject to imprisonment not exceeding six months at the discretion of the judge or court, in default of payment of such fine; and this provision is substituted

Penalty.  
32 V. c. 21,  
s. 66, repealed.

stituted for the sixty-sixth section of the Election Law of 1868.

VOTERS.

**4.** To remove doubts, it is hereby declared that all Indians, Indian voters, or persons with part Indian blood, who have been duly enfranchised, and all Indians or persons with part Indian blood, who do not reside among Indians, though they participate in the annuities, interest-moneys and rents of a tribe, band or body of Indians, shall be entitled to vote, subject to the same qualifications in other respects, and to the same provisions and restrictions, as other persons in the electoral district.

**5.** In case the voters' list to be used at an election is that of a year preceding the year in which the writ of election bears date, the right of voting at an election in respect of income shall belong to those only on the said list who had paid the municipal tax on such income for such preceding year on or before the thirty-first day of December next before the election.

**6.** In case the voters' list to be used at an election is that of the year in which the writ of election bears date, and the collector's roll for the same year has been in the collector's hands for at least one month before the date of the writ of election, the right of voting in respect of income shall belong to those only who had, before the date of the writ, paid the municipal tax on such income for the said year;

**2.** In case of an election in the year one thousand eight hundred and seventy-six, if the voters' list to be used is that of the year one thousand eight hundred and seventy-five, no person shall be entitled to vote in respect of income, unless at the time of applying for a ballot paper he produces to the Returning Officer the receipt of the Treasurer of the Municipality or the Collector for the municipal taxes for the said year one thousand eight hundred and seventy-five, due from such person in respect of income, which receipt the Treasurer or the Collector is hereby required to give to any person entitled thereto who applies for the same not later than the nomination day or the fifteenth day of March, whichever shall first happen.

**7.** Except in cases provided for in the preceding sub-section where a writ of election is issued, if the collector's roll has been returned to the treasurer of the municipality, the treasurer shall forthwith prepare, and if the roll has not been so returned the collector shall forthwith prepare, and the treasurer or collector (as the case may be) shall verify on oath, a list of the persons, being on the voters' list by reason of their income only, who were in default for not having paid the municipal tax on such income on the thirty-first day of December (or before the date of the writ, as the case applicable to the election about to be held may be); and the respective officers of municipalities shall

shall afford such information, assistance, and facility to one another for preparing, revising, and completing the defaulters' list, as may be required.

Defaulters' list  
to be verified.

**8.** The defaulters' list shall be verified by an affidavit which may be in the following form :—

Form of affida-  
vit.

"I, \_\_\_\_\_ of \_\_\_\_\_, treasurer (*or* collector) for the municipality of \_\_\_\_\_ make oath and say that the persons named in the annexed list had not on the thirty-first day of December last (*or* had not before the \_\_\_\_\_ day of \_\_\_\_\_ last, *as the case may be*), paid the municipal tax assessed and payable by them in respect of their income; and I further say that the said list contains the names of all persons on the voters' list in respect of income who had not paid their municipal tax thereon on the said thirty-first day of December (*or* before the said day of \_\_\_\_\_, *as the case may be*)."

Certified copies  
of defaulters'  
list to be fur-  
nished.

**9.** The person preparing the said defaulters' list shall furnish certified copies of the said list and affidavit in the same manner and for the same compensation as copies of the voters' lists are to be furnished; and the defaulters' list furnished and verified by the treasurer or collector as aforesaid shall be the evidence on which the deputy returning officer shall act in ascertaining the payment or non-payment of taxes by persons entitled to vote in respect of income, but the admission or rejection of voters by the deputy returning officer shall be without prejudice to the right of the voter to mark a tendered ballot paper, and without prejudice to what may be afterwards shown on an election petition.

Oath to be  
administered

**10.** The oath to be administered to persons voting in respect of income at elections to the Legislative Assembly, shall be according to the form following :—

" You swear (*or* solemnly affirm) that you are the person named (*or* purporting to be named) by the name of \_\_\_\_\_ on the list of voters now shown to you (*showing the list to voter*); that at the time of the last final revision of the assessment roll on which this list is based for this township (city, town or village, *as the case may be*) you were, and thenceforward have been continuously, and still are a resident of this township, (city, town or village, *as the case may be*); that at the time of the last revision of the assessment roll, upon which the voters' list used on this election is based, and for twelve months previously you were in receipt of an income from your trade (office, calling or profession, *as the case may be*), of a sum of not less than four hundred dollars; that you are a subject of Her Majesty by birth (*or* naturalization, *as the case may be*); that you are of the full age of twenty-one years; that you have not before voted at this election, either at this or any other polling place; and that you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this

"this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ; and that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting ; and that you have (*if the voters' list being used is that of the year eighteen hundred and seventy-five insert here either these words*) "before the day of nomination in this present election," or these words "before the fifteenth day of March last past," whichever date shall have first happened ; but if the voters' list being used is based on the assessment roll for any previous year except the year eighteen hundred and seventy-five, insert these words "prior to the thirty-first day of December last past ;" and if the voters' list being used is based on the assessment roll for the same year as that in which the election is being held, and the voter has paid his taxes, then the words to be here inserted are these : "before the date of the writ under which this election is being held, duly paid all municipal taxes whatsoever assessed or rated against you in respect of the income for and by reason of which you are rated and entered on said assessment roll : So help you God ;" (or if the voters' list being used is based on the assessment roll for the same year as that in which the election is held, but the collector's roll for the same year has not been in the collector's hands for at least one month before the date of the writ of election, and the voter has not paid the municipal taxes, then omit all the words of this oath after the words "refrain from voting," and instead thereof insert the following : "and that the collector's roll based on the said assessment roll has not been in the hands of the collector for at least one month before the date of the writ under which this election is being held : So help you God.")

#### THE ELECTIONS:

**11.** The twelfth and thirteenth sections of the Election Law 32 V. c. 21, of 1868 are hereby repealed and the following is substituted ss. 12 and 13, therefor :

(1.) Every writ for the election of a member of the Legislative Assembly shall be addressed to the sheriff, or to the registrar of deeds, or to one of the sheriffs, or one of the registrars of deeds, for the electoral district, or some portion of the electoral district, for which the election is to take place, and he shall be the returning officer at such election ; not more than one writ of election shall be addressed to the same returning officer at one time ;

(2.) In case there is no sheriff or registrar to whom a writ of election for an electoral division can be addressed, the writ shall be addressed to such other person as the Lieutenant-Governor may appoint to be returning officer ;

(3.) In case the person to whom the writ should under the foregoing provisions be addressed, or to whom the writ has been addressed, should refuse to act, or should be absent, or

Case of writ  
being directed  
to a person  
whose appoint-  
ment is sub-  
sequently  
superseded.

should be incapacitated or unable from sickness or any other cause to act as returning officer, the Lieutenant-Governor may appoint some other person as returning officer;

(4.) In case a writ has been issued to a person whose appointment is subsequently superseded, a new writ may be issued; or the new returning officer may act under the writ already issued, as if the same had been addressed to him; and if valid proceedings have been had under the first appointment, the validity of such proceedings shall not be affected by the new appointment; but the new returning officer may appoint a new election clerk and new deputies, if he think fit, notwithstanding valid appointments to such offices had already been made by the person previously named as returning officer.

Polling places  
in Algoma.

**12.** In the District of Algoma, at an election for a member to serve in the Legislative Assembly, polls shall be opened and held at the following places, namely: Killarney, Spanish River, Algoma Mills, Little Current, West Bay (Manitoulin), Gore Bay, Providence Bay, Michael's Bay, Manitowaning, Wikwemikong (Manitoulin), Mississagua River, Bruce Mines, Garden River, Sault Ste. Marie, Batchewanan, Michipicoten, Nepigon Bay, Silver Islet, Prince Arthur's Landing, Fort William, and in such additional places, if any, as the Lieutenant-Governor in Council may from time to time direct: The returning officer shall establish as many polling places at the places before mentioned as he may consider requisite.

Nomination  
and polling  
days in  
Algoma.

**13.** The nomination in the said district of Algoma shall not take place less than fifteen days nor more than twenty days after the proclamation was posted up; and the day for holding the polls shall be the fourteenth day next after the day fixed for the nomination of candidates; that is, on the same or corresponding day of the week next but one after that on which the nomination shall have taken place; or if such fourteenth day be a statutory holiday, then on the following day not being a statutory holiday: The nomination or polling may be held in any year at some time from the twentieth day of May to the end of November, and between these days only.

Proclamation,  
what to con-  
tain.

**14.** The proclamation for every electoral district shall declare the place, day and hour at which the election will be held, and shall be issued and posted with all reasonable speed after the receipt of the writ.

Case of death  
of candidate  
provided for.

**15.** In case a candidate die after being nominated and before the close of the polls, the returning officer may fix new days for the nomination of candidates, and for the election, and in such case the nomination day shall be the nearest day possible not being a Sunday or statutory holiday after allowing the number of days required by law between the posting up of the proclamation and the nomination day and in every such case the returning officer shall with his return

return make to the Clerk of the Crown in Chancery a report of the cause which occasioned the postponement of the election.

**16.** A returning officer may in his discretion grant such additional polling places in any polling division or subdivision as the extent of the division or subdivision and the remoteness of any body of its voters from the polling place render necessary. No. of polling places in division of returning officer.

**17.** The oath to be taken by a deputy returning officer at the close of the poll, in the form of Schedule I. to the Ballot Act of 1874, may be administered to him by the poll clerk. Oath of D. R. O. at close of poll.

**18.** The returning officer shall have power to administer any of the oaths, affirmations, or take any of the declarations required with respect to the election; and any deputy returning officer may administer such oaths, affirmations, or take any such declarations, except in cases where they are required to be administered to the returning officer. Administration of oaths, &c.

**19.** In case of a deputy returning officer voting at the polling station where he has been appointed to be deputy returning officer, the poll clerk appointed to act at such polling place, or in the absence of the poll clerk any agent authorized to be present, may administer to such deputy returning officer the oath required by law to be taken by voters. Administration of oath to D. R. O. voting at his polling place. See 38 V. c. 3, s. 23.

**20.** No voter having refused to take the oath or affirmation of qualification required by law, when requested so to do, shall receive a ballot paper or be admitted to vote. Voter refusing to be sworn.

**21.** At the counting of the votes by the deputy returning officer at the close of the poll, the deputy returning officer shall take a note of any objection made by a candidate, or by his agent, or by any elector present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection; and the decision of the deputy returning officer shall be final, subject only to reversal on a re-count by the county court judge, or on petition questioning the election or return; D. R. O. at close of poll to take a note of objections to ballot papers.

(2.) Every objection to a ballot paper shall be numbered, and a corresponding number shall be placed on the back of the ballot paper, and shall be initialed by the deputy returning officer. Objections to be numbered.

**22.** The deputy returning officer, when making up the various packets which he is required to make up at the completion of the counting of the votes after the close of the poll, shall make up into a separate packet the ballot papers which have been objected to, but have been counted by the deputy returning officer. Ballots objected to but counted by D. R. O. to be placed in a separate packet.

**23.** At the close of the poll the deputy returning officer, on being requested so to do, shall deliver to each of the candidates of the state of candidates, poll. Certificates to candidates of the state of candidates, poll.

dicates, or his agents, or in the absence of such candidates or agents, to the electors present representing the candidates respectively, a certificate of the number of votes given for each candidate, and of the number of rejected ballot papers.

*Returning officer's return.*

**24.** The returning officer shall not make his return until after the fifth day from the day on which the last return of any deputy Returning Officer relating to the election for which he is Returning Officer has been received by such Returning Officer.

*Recount of votes by the County Judge.*

**25.** In case it is made to appear on the affidavit of any credible witness, to the County Judge of any county in which the electoral district or any part thereof is situated at any time before the Returning Officer makes his return, that any deputy Returning Officer at any election in such electoral district in counting the votes has improperly counted or rejected any ballot papers at any such election, the said County Judge may, where the majority for the successful candidate is under fifty votes, appoint a time, within four days after the receipt of all the ballot papers and statements relating to such election, to re-count the votes, and shall give notice in writing to the candidates or their agents of the time and place at which he will proceed to re-count the same;

*Who may be be present on re-count.*

1. The County Judge, the Returning Officer and his election clerk and each candidate and his agent appointed to attend such re-count of votes, or in case the candidate cannot attend, then not more than two such agents and no other person, except with the sanction of the County Judge, shall be present at such re-count of the votes;

*Opening of packets.*

2. At the time and place appointed, the said County Judge shall proceed to recount all the votes or ballot papers returned by the several Deputy Returning Officers, and shall, in the presence of the parties aforesaid, if they attend, open the sealed packets containing—(1) the used ballot papers which have been counted ; (2) the rejected ballot papers ; (3) the spoiled ballot papers, and no other ballot papers or counterfoils ; and in recounting the said votes care shall be taken that the mode in which any particular elector has voted shall not be discovered ;

*The re-count to be a continuous proceeding.*

3. The County Judge shall, as far as practicable, proceed continuously with such re-count of the votes, allowing only time for refreshment, and excluding (except so far as he and the parties aforesaid agree) the hours between six o'clock in the evening and nine on the succeeding morning (except Sunday): During the excluded time the said County Judge shall place the ballot papers and other documents relating to the election under his own seal and the seals of such other of the parties as desire to affix their seals, and shall otherwise take precautions for the security of such papers and documents ; .

*Procedure on re-count.*

4. The County Judge shall proceed to re-count the votes according to the rules set forth in section seventeen of the Ballot Act of 1874, and shall verify or correct the ballot paper account

account and statement of the number of votes given for each candidate ; and upon the completion of such re-count, or as soon as he has thus ascertained the result of the poll, he shall seal up all the said ballot papers in separate packets, and shall forthwith certify the result to the Returning Officer, who shall then declare to be elected the candidate having the highest number of votes ; and in case of an equality of votes the Returning Officer shall have the casting vote, as provided in section nineteen of the Ballot Act of 1874 ;

5. The Returning Officer, after the receipt of a notice from the county judge of such re-count of ballots, shall delay making his return to the Clerk of the Crown in Chancery until he receives a certificate from the county judge of the result of such re-count, and upon receipt of such certificate, the Returning Officer shall proceed to make his return as provided in the Ballot Act of 1874.

26. The Clerk of the Crown in Chancery shall retain for the period of one year all documents relating to an election which are forwarded to him in pursuance of the Ballot Act of 1874, by a returning officer, and then, unless otherwise directed by a rule or order of the Court of Error and Appeal or a judge thereof, or a judge on the rota for the trial of election petitions, he shall destroy the same by fire.

27. The Clerk of the Crown in Chancery shall, on receiving the return of any member elected to the Legislative Assembly, give, in the next ordinary issue of the *Ontario Gazette*, notice of the receipt of the return, the date of his receiving the same, and the name of the candidate elected.

#### ELECTION PETITIONS.

28. With every election petition shall be filed an affidavit by the petitioners, referring to or annexed to the petition, and stating that the deponent (or deponents) doth (or do) present the petition in good faith, and has (or have) reason to believe and does (or do) believe the statements contained in the petition to be true in substance and effect : All particulars afterwards furnished by either party shall be verified in like manner on oath by the petitioners, or one of them.

29. The security to be given at the time of presenting an election petition shall hereafter be by a deposit of one thousand dollars, in one of the banks in which Government money is then being deposited ; such deposit to be made to the credit of the election petition, with the privity of the Registrar of the Court of Error and Appeal ; to be subject to such general or other rules and regulations as the said Court may from time to time make ; and not to be withdrawn without the order of the said court, or of a judge having jurisdiction in the premises.

Petition, when  
to be com-  
menced and  
proceeded  
with.

**30.** Subject to the provisions of the next succeeding section, the trial of every election petition shall be commenced within six months from the time when the petition was presented, and shall be proceeded with *de die in diem*, until the trial is over, unless on application supported by affidavit it be shewn that the requirements of justice render it necessary that a postponement of the case should take place.

Case in which  
trial shall not  
be commenced,  
&c., during a  
Session or  
fourteen days  
thereafter.

**31.** The trial of an election petition shall not (without the consent of the candidate declared to be elected) be held during a Session of the Legislative Assembly, or within fifteen days after the close of a Session; and in the computation of any delay allowed for any step or proceeding in respect of the trial, or for the commencement of the trial under the next following section, the time occupied by the Session shall not be reckoned: Provided, that in any case when the period limited for the commencement of the trial shall have elapsed before the prorogation of the Legislative Assembly at the end of the present Session, the trial may be commenced at any time within one month of the prorogation: Provided further, that wherever three months elapse after the petition being presented, without the day for the trial being fixed, any elector may, on application, be substituted for the petitioner on such terms as shall be just.

Provision in  
case of petition  
before this Act  
not tried with-  
in six months,

**32.** Where in case of a petition filed before the passing of this Act six months shall have elapsed after the filing of the said petition and it shall then be untried, the respondent may require, and the petitioner within six days after demand shall give, new security, in accordance with the terms of this Act, for the payment of all costs, charges and expenses which may become payable by the petitioner in respect of the petition; and in default of such security being given within the time aforesaid, the said petition shall be dismissed with costs.

Examiners  
under 36 V.  
c. 2, s. 13.

**33.** Any person to be examined orally under the provisions of section thirteen of the Act chaptered two of the Acts passed by the Legislature of Ontario, in the thirty-sixth year of Her Majesty's reign, shall be so examined before a county court judge, or before a registrar appointed under The Controverted Elections Act of 1871, or before a master or special examiner of the Court of Chancery, or (by consent of the parties) before a barrister-at-law specially named in the order for examination.

Petition alleg-  
ing corrupt  
practices to be  
tried by two  
judges.

**34.** Every election petition which alleges corrupt practices against a candidate or his agents shall be tried by two of the judges on the rota sitting together; and no candidate shall be unseated for corrupt practice, nor shall any person be declared guilty of a corrupt practice, except upon the joint decision of the two judges, or of the Court of Error and Appeal.

## CHARGES OF CORRUPT PRACTICES.

**35.** If it appear to the court or the judges trying an election petition, that an act constituting in law a corrupt practice was committed by a candidate, or with his knowledge and consent, but without any corrupt intent, and in an ignorance necessarily to which was involuntary and excusable, and that the evidence showed the candidate to have honestly desired, and in good faith endeavoured as far as he could, to have the election conducted according to law, the candidate shall not be subject to the penalties and disabilities which he would but for this section incur under the forty-sixth section of "The Controverted Elections Act of 1871."

**36.** Whereas doubts have arisen as to the proper construction of sections forty-six and forty-eight of "The Controverted Elections Act of 1871," so far as relates to the effect, upon elections held under the said Act, of the avoiding of previous elections, it is hereby enacted, that elections already held or hereafter to be held, under the said Act, shall be deemed and taken, as respects both candidates and voters, to be new elections in law and in fact to all intents and purposes, except as to the personal acts of the candidates and the acts of agents of candidates done with the knowledge and consent of such candidates.

**37.** To prevent the expense and trouble of new elections when unnecessary and useless; in case of a corrupt act or acts having been or being hereafter committed by an agent without the knowledge or consent of the candidate, if the corrupt act or acts was or were of such trifling nature, or was or were of such trifling extent, that the result cannot have been affected, or be reasonably supposed to have been affected, by such act or acts, either alone or in connection with other illegal practices at the election, such corrupt practice shall not avoid the election.

**38.** If, on the trial of an election petition, it is proved that corrupt practice has been committed by an agent of a candidate, but (by reason of any provision in this Act contained) the election is not declared void, or the candidate is not unseated, the petitioner and respondent respectively shall nevertheless be entitled, each against the other, to such costs of the proceedings as before the passing of this Act they would have been entitled to receive on establishing such corrupt practice on an election trial.

**39.** No person other than a candidate is to be subject to the disabilities set forth in the forty-ninth section of "The Controverted Elections Act of 1871," by reason of (1) a merely technical breach of law, or (2) by reason of any act not being an intentional violation of law and not involving moral culpability or affecting the result of the election.

**40.** A merely technical or unintentional contravention of s. 49 not to subject to penalties, &c.

Trials hereafter of past elections.

**40.** At any election trial after the passing of this Act in respect of an election heretofore had, no matter or thing which by reason of this Act would not avoid an election, or disqualify a candidate or other person in the case of a future election, shall have that effect in respect of the election which is the subject of such trial, but the Judges or Court having jurisdiction in the matter shall have full jurisdiction to deal with the costs in all cases as if this section had not been acted upon.

Application for relief from consequences of past contravention.

**41.** If any person other than a candidate has heretofore been found guilty of corrupt practice, as in the said forty-ninth section mentioned, by reason of a merely technical breach of law, or by reason of an act not being an intentional violation of law, and not involving moral culpability or affecting the result of the election, he may apply to the same judge or court as found him guilty, or if the judge who found him guilty is not now a judge of any of the courts of the Province, he may apply to the Court of Error and Appeal or a judge thereof, and the said judge or court, after notice to the party on whose petition, prosecution or application he was so found guilty, and to the Attorney-General for Ontario, shall have a discretion to make an order declaring such person to be thereby relieved from the disabilities set forth in the said section.

Court constituted for trial of illegal acts.

**42.** Any two of the judges appointed for the trial of election petitions shall be and constitute a court for the trial of all illegal acts committed during an election, and being offences in respect of which this Province has legislative authority;

Procedure by summons.

(2.) In case, in and by an affidavit filed at, before or after the trial of an election petition, or from the evidence at the trial, any person not a party to the petition is charged with or appears to have committed any corrupt practice, or other illegal act, the court, judges or judge trying the petition may order such person to be summoned to appear at a time and place to be named in the summons: In case the person so summoned neglects or refuses to attend in pursuance of such summons, then upon proof being made of such person's having been duly summoned, the judges may either issue their warrant to compel his appearance, or if he was personally served may pronounce judgment in his absence;

Service of summons.

(3.) Every summons issued under this Act may be served by delivering a copy of the summons to the person summoned, or to some inmate of his usual place of abode;

Person charged to be allowed defence.

(4.) The person charged with committing the corrupt practice, or other illegal act, shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined by counsel;

If he appear.

(5.) If such person appear in obedience to such summons, and states that he has a defence to make, the judges shall hear such defence, and investigate and dispose of the case, in a summary manner, or may adjourn the hearing thereof as may be deemed advisable; and if it is proved, or the person admits,

admits, that he has committed any corrupt practice, or other illegal act, the judges shall order him to pay such fine or receive such punishment as the law assigns to his offence;

(6.) The judges shall have the same powers, jurisdiction and Powers, &c., of authority for such investigation as they have on the trial of the Court. an election petition.

**43.** In case, on the trial of any election petition it is proved that any corrupt practice has been committed by an agent of a candidate, without the knowledge or consent of the candidate, and that costs should be awarded to the petitioner or other party alleging the corrupt practice, the agent may be condemned to pay such costs; When agent may be made to pay costs.

(a.) In such case the court or judges shall order that such agent be summoned to appear at a time fixed in such summons, in order to determine whether he should be condemned to pay such costs;

(b.) If at any time so fixed the agent do not appear, he shall be condemned on the evidence already adduced to pay the whole or a due proportion of the costs awarded to the petitioner or other party aforesaid ; If he does not appear.

(c.) And if he do appear, the court or judges, after hearing the parties and such evidence as shall be adduced, shall give such judgment as to law and justice shall appertain ; If he appears.

(d.) The party to receive the costs shall have process to recover such costs against the agent in like manner as he might have such process against the principal ; and no process shall issue against the principal to recover such costs, nor shall the sum be paid out of any money deposited as security, until after the return of process against the agent. Process to recover costs.

**44.** In the event of costs being awarded in favour of a party against any petitioner, such party shall (subject to the preceding provision), after the expiration of thirty days, upon the production of a certificate of taxation from the registrar, be entitled to receive out of the deposit the amount taxed to him as aforesaid, if the aggregate of the costs taxed against or due the said petitioner, certificates whereof are within the said period of thirty days filed with the registrar of the court, do not exceed the deposit ; or if the total amount of the said certificates so filed as aforesaid exceed the deposit, then his proportion thereof ; and in the event last aforesaid such party shall be entitled forthwith to issue execution, according to the practice in ordinary cases, for the residue of the costs so taxed to him as aforesaid. Recovery of costs against petitioner.

#### COURT OF ERROR AND APPEAL.

**45.** All rules or orders for the inspection of rejected ballot papers, or ballot papers objected to under section twenty-one of this Act and in the custody of the Clerk of the Crown in Chancery, or for the opening of the sealed packets of counterfoils Inspection of ballot papers.

terfoils after the same have been once sealed up, shall be made by the Court of Error and Appeal or a judge thereof, or a judge on the rota for the trial of election petitions.

Court to review decision upon facts.

**46.** Whereas it is expedient that the Court of Error and Appeal shall have a larger jurisdiction than hitherto has been exercised on appeals in election cases on or involving questions of fact, it is hereby enacted that upon such appeal the court shall review the decision upon questions of fact as well as of law, and shall draw such inference from the facts or evidence as the judge or judges who tried the case should have drawn, and shall pronounce such judgment, both upon questions of law and of fact, as in the opinion of the said court should have been delivered by the said judge or judges;

(2.) Where any decision, heretofore given or hereafter to be given, by any judge or judges depends in whole or in part upon the credit given by him or them to particular witnesses, and the decision is appealed against, the judge or judges may make a written report as to the demeanour of the principal witnesses and their mode of giving their evidence, together with the reasons of such judge or judges for giving credit to the particular witnesses; and (with or without such a report) the court, in view of the whole case as it then appears, may reverse or confirm the decision appealed against; or the court may require any witnesses to be re-examined, and further evidence to be given, orally before the court or otherwise, upon any question of fact; and after such re-examination and further evidence, the said court shall pronounce the proper judgment in the case.

Re-examination of witnesses.

Disagreement by Judges who tried.

**47.** In case of disagreement between the judges before whom a case is tried, they shall certify such disagreement, and either party may thereupon bring the matter before the Court of Error and Appeal, and that Court shall, in disposing thereof, have the same jurisdiction in all respects as on an appeal from a decision of such judges.

Judges of Court of Appeal not to vote or act as returning officer.

**48.** The Chief Justice and Justices of the Court of Error and Appeal shall, like other Judges, be disqualified and incompetent to vote, or to act as returning officer, at any election of a member of the Legislative Assembly, and in case of so voting or acting shall be subject to the same penalties and punishments as other persons who are declared to be so disqualified and incompetent to vote or act.

Preamble.

**49.** Whereas in case of candidates being charged with some illegal act, the law does not provide means of relieving them from penalties and disabilities where there are extenuating circumstances, or where circumstances come to light, or occur, after the trial throwing doubt on the evidence against the candidate; and whereas, in view of the circumstances of the election trials which have taken place since the last general election,

election, it is just and expedient that relief should be given to some extent to the candidates who have been charged with illegal acts, it is therefore enacted that, no judgment, order, or report heretofore pronounced or made by, or heretofore confirmed by the Court of Error and Appeal, shall have the effect of rendering any candidate incapable of being hereafter elected to the Legislative Assembly, or of being hereafter registered as a voter, or of hereafter voting in elections, or of holding any office in the nomination of the Crown or of the Lieutenant-Governor or any municipal office.

Relief from past disabilities.

**50.** This Act may be cited as the Election Act of 1876.

Short title.

## CAP. XI.

### An Act to consolidate and amend the Law respecting Voters' Lists.

[Assented to 10th February, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The clerk of each municipality shall, immediately after the final revision and correction of the assessment rolls in every year, make a correct alphabetical list of all persons appearing by the assessment roll to be entitled to vote in the municipality, prefixing to the name of each person his number upon the roll; *32 V. c. 21, s. 7.*

**2.** Where a municipality is divided into polling subdivisions, said list shall be made out according to such subdivisions, and under each subdivision shall be arranged alphabetically the names of all the persons appearing to be entitled to vote in such subdivision; *32 V. c. 21, s. 7.*

**3.** If the qualification of any such person is in respect of real property, the Clerk shall, opposite the name of the person, insert the number of the lot or other proper description of the real property in respect of which each person is so qualified; *32 V. c. 21, s. 7.*

**4.** If the qualification is in respect of income, the Clerk shall, state that fact, and the place at which the voter resides in the municipality; *37 V. c. 4, s. 2.*

**5.** Whenever it appears by the assessment roll that any person is assessed for property within the municipality sufficient to entitle him to vote, but that it lies partly within the limits of one of such subdivisions and partly within another or others, the Clerk shall enter his name on the list of voters in each or every subdivision in which any part of such property is situate, with the following words added: "See sub-division No. ;" *32 V. c. 21, s. 27, first clause.*

Provision when property partly in one subdivision and partly in another.

When assessment to be regarded as finally revised.

6. Any assessment roll shall be understood to be finally revised and corrected, when it has been so revised and corrected by the Court of Revision for the municipality, or by the Judge of the County Court, in case of an appeal, as provided in the Act respecting the Assessment of Property in Ontario, or when the time during which such appeal may be made has elapsed, and not before. 32 V. c. 21, s. 7 (11).

Copies of list to be printed.

Copies to be posted in clerk's office, and copies to be sent to certain persons.

2. Immediately after the Clerk has made the said alphabetical list, and within thirty days after the final revision and correction of the assessment roll, the Clerk shall cause at least two hundred copies of said list to be printed (in pamphlet form where practicable), and forthwith shall cause one of such printed copies to be posted up, and to be kept posted up in some conspicuous place in his own office, and deliver, or transmit by post by registered letter, or by parcel or book post, registered, three of such copies to each Judge of the County Court of the County to which for judicial purposes the municipality belongs; and two copies to each of the following persons, that is to say :

- a. Every member of the municipal council of the municipality except the Reeve;
- b. The Treasurer thereof;
- c. The Sheriff of the County;
- d. The Clerk of the Peace.
- e. Every Post-master in the municipality;
- f. Every Head Master or Mistress of a Public or Separate School in the municipality;

Clerk of the municipality to transmit copies to certain persons.

2. And the Clerk of the municipality shall forthwith also deliver or transmit by post, by registered letter, or by parcel or book post, registered, ten of such copies to each of the following persons, that is to say :

The Member of the House of Commons, and the Member of the Legislative Assembly for the Electoral District, respectively, in which the municipality or any part thereof lies;

Every candidate for whom votes were given at the then last election of a member for the House of Commons, and for the Legislative Assembly respectively ; and

The Reeve of the municipality ;

3. Upon each of the copies so sent to each person shall be a printed or written certificate, over the name of the Clerk, stating that such list is a correct list of all persons appearing by the assessment rolls of the municipality to be entitled to vote at elections for members of the Legislative Assembly ; and also stating the date upon which a copy of such list was first posted in the Clerk's office ; and further calling upon all electors to examine the said list, and, if any omissions or other errors are perceived therein, to take immediate proceedings to have the said errors corrected according to law ;

4. The Sheriff shall immediately upon the receipt of his copies cause one of them to be posted up in a conspicuous place in the court-house ;

On each copy the clerk to certify as to certain matters.

Sheriff, clerk of the peace, teacher and

court-house ; the Clerk of the Peace, upon receipt of his copies, post-master to shall cause one of them to be posted in a conspicuous place in post up a copy. his office ; every Public or Separate School Head Master or Mistress shall in like manner post up one of his or her copies on the door of the school-house ; and every Post-Master shall post up one of his copies in his post-office. 37 V. c. 4, s. 3.

**3.** The Clerk shall also forthwith cause to be inserted in some newspaper, published in the municipality, or in case no newspaper is published in the municipality, then in some newspaper published in the municipality next thereto, or in the county town, a notice, signed by him, stating the date of the first posting up of the said list in his office ; one insertion of such notice shall be sufficient. 37 V. c. 4, s. 4.

**4.** The said list of voters shall be subject to revision by the County Judge, at the instance of any voter or person entitled to be a voter in the municipality for which the list is made, or in the Electoral District in which the municipality is situate, on the ground of the names of voters being omitted from the list, or being wrongly stated therein, or of names of persons being inserted on the list who are not entitled to vote ; and upon such revision, the assessment roll shall not be conclusive evidence in regard to any particular, whether the matter on which the right to vote depends had or had not been brought before the Court of Revision, or had or had not been determined by that court ; and the decision of the Judge under this Act, in regard to the right of any person to vote, shall be final so far as regards such person ; 37 V. c. 4, s. 5.

2. A complaint or appeal may be made on the ground of any Appeal. person whose name is entered on the list being one of those who are disqualified or incompetent to vote under the second, or fourth sections of The Election Law of 1868 ;

3. If any person named as a voter in the said list has, before the final revision and correction of the Assessment Roll, parted with the property in respect of which his name was entered in the voters' list, the person to whom he has transferred the property, or who is in possession of the same, shall be entitled to apply to the Judge to be entered on the list instead of the person originally named therein ; and the proceedings to be taken in such case shall be the same as in cases of appeals under this Act.

**5.** Any voter or person entitled to be a voter making any complaint of any error or omission in the said list shall, within thirty days after the Clerk has posted up the said list in his office, and delivered or transmitted the other copies hereinbefore required, give to the Clerk of the municipality, or leave for him at his residence or place of business, notice in writing of his complaint and intention to apply to the Judge in respect thereof ; and if the office of Clerk be vacant by reason of death, resignation

Proceedings  
on person com-  
plaining of er-  
rors in the list.

tion or from any other cause, such notice may be given in like manner to the Head of the Council of the municipality; and the proceedings thereafter by the Clerk, Judge, and parties respectively, and the respective powers and duties of the Judge, Clerk, and other persons, shall be the same, or as nearly as may be the same, as in the case of an appeal from the Court of Revision; but no deposit shall be required to be made before any such complaint is heard or disposed of;

*37 V. c. 4, s. 6.*

The case of  
notice left with  
Head of the  
Council.

2. If the notice be given to or left for the Head of the Council, he shall perform or cause to be performed such necessary acts as should be performed by the Clerk if there were one.

List confirmed  
if no complaint  
within 30 days  
after the Clerk  
has posted up  
the list.

6. In case no complaint respecting such list is received by the Clerk of the municipality, within thirty days after the Clerk has posted up the said list in his office, the Clerk shall forthwith apply, either in person or by letter, to the Judge to certify three copies of such list as being the revised list of voters for the municipality; and the Judge shall retain one of such certified copies of the list, and deliver or transmit by post, registered, one of such certified copies to the Clerk of the Peace for the County or union of Counties within which the municipality lies, and one of such certified copies to the Clerk of the municipality, to be kept by him among the records of his office. *Vide 37 V. c. 4, s. 7.*

Compelling  
attendance of  
witnesses on  
revision of list.

7. Any party may obtain from the County Court a subpœna, or from the County Judge an order requiring the attendance at the Court for hearing complaints as aforesaid, at the time mentioned in such subpœna or order, of a witness residing or served with such subpœna or order in any part of this Province; and requiring any such witness to bring with him and produce at the Court any papers or documents mentioned in the subpœna or order; and every witness served with such subpœna or order shall obey the same, provided the allowance for his expenses, according to the scale allowed in Division Courts, is tendered to him at the time of service; and any person complaining, or any person in respect of the insertion or omission of whose name a complaint is made, shall, if resident within the municipality, the list of which is the subject of complaint, or within the municipality in which the Court is held, upon being served with a subpœna or order therein, obey the same without being tendered or paid any allowance for his expenses; if any person, whose right to be a voter is the subject of inquiry do not attend in obedience to such subpœna or order, the Judge, if he think fit, in the absence of satisfactory evidence as to the ground of such non-attendance, or as to the right of such person to be a voter, may, on the ground of the non-attendance of such person, strike his name off the list of voters, or refuse to place his name on the list of voters, as the case may require, or impose a reasonable fine on such person according to his discretion, or do both; *Vide 37 V. c. 4, s. 8.*

Penalty on  
non-attend-  
ance of the  
person whose  
right is in  
question.

2. Any number of names may be inserted in one subpoena or Judge's order, in any case of complaint. Insertion of several names in subpoena.

8. Immediately after the list has been finally revised and corrected as aforesaid, the Judge shall make or cause to be made and shall sign, a statement in triplicate, setting forth the changes, if any, which he has made in the list; and shall certify in triplicate a corrected copy of the list; After final revision, judge to make statements of alterations and certify copies of lists.

2. The Judge shall retain one of such certified copies and one statement, and shall deliver or transmit by post, registered, one of such certified copies and one statement to the Clerk of the Peace for the County or Union of Counties within which the municipality lies, and one of such certified copies and one statement to the Clerk of the municipality, to be kept by him among the records of his office. How the judge shall dispose of the statements and copies.

9. No person shall be admitted to vote unless his name appears on the last list of voters made, certified, and delivered or transmitted as aforesaid to the Clerk of the Peace at least one month before the date of the writ to hold the election; and no question of qualification shall be raised at any such election, except to ascertain whether the person tendering his vote is the same person intended to be designated in the alphabetical list as aforesaid; and other questions of qualification shall be raised and decided on election petition only. No one to vote unless named in the list. Questions as to qualification.

10. The times appointed for the performance, by the Clerk of the municipality, of the duties required of him by this Act, shall be directory only to the said Clerk; and the non-performance, by him, of any of the said duties within the times appointed, shall not render null, void, or inoperative any of the lists in this Act mentioned. *Vide* 32 V. c. 21, s. 7 (3). Failure of Clerk to perform duties not to vitiate lists.

11. In case the Clerk of any municipality fail to perform any of the duties aforesaid, the Clerk of the Peace shall forthwith apply summarily to the County Judge or acting Judge of the County Court for the County within which such municipality is situate, to enforce the performance of the same; 32 V. c. 21, s. 7 (5). Provision in case municipal Clerk fail to perform duties.

2. The application may also be made by any person entitled to be named as an elector on the list in respect of which the application is made; 32 V. c. 21 s. 7 (6). Elector may apply

3. The Judge shall, on such application, require the Clerk of the municipality, and any other person he sees fit, to appear before him and produce the assessment roll, and any documents relating thereto, or to the list in respect to which the application is made, and to submit to such examination on oath as may be required of him or them, and the Judge shall thereupon make such orders and give such directions as he may deem necessary or proper for the purposes aforesaid. *Vide* 32 V. c. 21, s. 7 (7). Judge may require clerk or other person to appear and submit to examination, etc.

Liability of  
Clerk for costs.

4. The Clerk of the municipality shall be personally liable for and shall pay the costs of the proceedings, unless on some special grounds the Judge shall see fit to order otherwise, and in such special case the costs shall be in the discretion of the Judge; 32 V. c. 21, s. 7 (8).

Judge's order  
not to release  
clerk from  
penalty.

5. Such proceedings and such order of the Judge shall not in anywise exonerate or release the Clerk from liability to the penalty hereinbefore imposed. 32 V. c. 21, s. 7 (9).

Abandonment  
by appellant  
and interven-  
tion of some  
other.

12. If any appellant or complainant, entitled to appeal die or abandon his appeal or complaint, or having been on the alphabetical lists made and posted by the clerk as aforesaid is afterwards found not to be entitled to be an appellant, the Judge may if he think proper allow any other person who might have been an appellant or complainant to intervene and prosecute such appeal or complaint, upon such terms as the Judge shall think just.

Costs occa-  
sioned by  
errors may be  
ordered to be  
paid by guilty  
parties.

13. In case of errors being found in the said voters' list on the said revision thereof, whether such errors are in the omission of names, the inaccurate entry of names, or the entry of names of persons not entitled to vote, if it appear to the Judge that the Assessor was blameable for any of the said errors, the Judge shall order the Assessor, either alone or jointly with any other person to pay all costs occasioned by the same; and in case of errors for which the Clerk was to blame, the Clerk, either alone or jointly with any other person, shall be charged with the costs; and in case of errors of the Court of Revision, the municipality shall, either alone or jointly with any person, pay the costs, subject to any claim which the municipality may justly have against the guilty parties; or the Judge may order the Assessor, Clerk or Municipality, in any such case, to pay the costs, if any party fail to recover the same from any other party named and ordered to pay the same; and, in all cases not herein provided for, the costs shall be in the discretion of the Judge; 37 V. c. 4, s. 10.

Division Court  
costs only  
allowed.

2. No costs shall be allowed on any proceeding under this Act, other or higher than would be allowed in the Division Court under the lowest scale of costs in actions therein;

Liability of  
appellant for  
costs.

3. The only costs to which an appellant shall be liable shall be the witness fees, unless in a case of bad faith on his part.

Costs, payment  
of, how  
enforced.

14. The payment of any costs ordered to be paid by the Judge may be enforced by an execution against goods and chattels, to be issued from any County Court upon filing therein the order of the Judge, and an affidavit showing the amount at which such costs were taxed and the non-payment thereof.

Persons whose  
names omitted  
from roll and  
inserted on re-

15. If a person not assessed, or not sufficiently assessed, shall be found entitled to vote, the municipality shall be entitled to recover taxes from him, and to enforce payment thereof by

by the same means and in the same manner as if he had been ~~vision, liable to pay taxes.~~  
assessed on the roll for the amount found by the Judge; and the Judge shall make an order, setting forth the names of the Judge's order.  
persons so liable, and the sum for which each person should have been assessed, and the land or other property in respect of which the liability exists; and such order shall be transmitted to the Clerk of the municipality, and shall have the same effect as if the said particulars had been inserted on the roll.  
37 V. c. 4 s. 11.

## MISCELLANEOUS PROVISIONS.

**16.** It shall be the duty of the municipality within which a Court is holden, to provide some suitable and convenient place, properly furnished, heated and lighted for the holding of such Court, and in case such is not done the Judge may hold said Court at such other place in the County as he may deem proper; and if the same is held elsewhere than in the County Court house, the proprietor or proprietors of the building in which it is held may recover from the municipality which should have made such provision the sum of five dollars per diem for each and every day during which such building is used for the purposes of such Court: Any Court held in the County Town shall be held in the County Court-house or in such other place in said County Town as the Judge shall deem proper.

**17.** In all proceedings before the Judge under this Act, the Judge shall have with reference to the matters herein contained, all the powers which belong to or might be exercised by him in the County Court.

**18.** The Judge shall have power to appoint some proper person to attend at the sitting of the Court as a Constable or Bailiff; and the duties and powers of such person thereat shall be as nearly as may be the same as those of the Bailiff of a Division Court at a sitting of a Division Court and in reference thereto: and the expenses of the person so appointed and attending shall be borne by the municipality the list for which is the subject of investigation, and shall include such allowance for loss of time, trouble and travelling fees as shall be certified by the Judge to be reasonable; and the amount certified by the Judge shall be paid to such person by the Treasurer of the municipality upon the production and deposit with him of the Judge's certificate.

**19.** The Clerk of every municipality shall be subject to the summary jurisdiction and control of the County Judge in respect to the performance of his duty under this Act, and in respect to every act required to be performed by such Clerk touching the voters' list, in the same manner as officers of the County Court are to the Court; and the clerk shall receive reasonable compensation for the services performed.

Report by  
Judge as to  
frauds, &c.

**20.** If the Judge who holds a Court believes or has good reason to believe that any person or persons have contravened the twenty-sixth or twenty-ninth sections of this Act, or that frauds in respect to the assessment or the voters' lists have prevailed extensively in the municipality it shall be his duty to report the same to the Provincial Secretary, with such particulars as to names and facts as he may think proper.

Amendment.

**21.** The Judge shall have power to amend any notice or other proceeding upon such terms as he shall think proper.

Board of  
County Judges  
may make  
rules.

**22.** The Board of County Judges may, if requested so to do by the Lieutenant-Governor, frame rules and forms of procedure for the purpose of better carrying this Act into effect; and such rules and forms shall, after being approved of by the Lieutenant-Governor in Council, have the same effect and force as if they formed part of this Act.

Clerks of the  
Peace and of  
municipalities  
to furnish  
copies of last  
revised voters  
list.

**23.** The Clerk of the Peace and the Clerk of any municipality having the custody of the list of voters of any municipality or part of any municipality or place, shall furnish a certified copy of such list then last revised and corrected to any person who shall require such copy, on being paid for the same by such person at the rate of four cents for every ten voters whose names are on such list: the said officers may furnish printed copies, for each of which they shall be entitled to receive six cents instead of the fee aforesaid; and the officers shall verify any alterations made therein, by writing their initials in close proximity thereto; if the alterations or interlineations exceed one hundred, it shall be the duty of the said officers to furnish written copies; 38 V. c. 3, s. 12.

Fees to Clerk  
of the Peace  
for copy  
voters' lists.

2. For each copy of the voters' list furnished to the Returning Officer, in the form of Schedule K to the Ballot Act of 1874, the Clerk of the Peace shall be entitled to receive the sum of six cents for every ten voters whose names are on the list.

Penalty on  
municipal  
Clerk for  
neglect, &c.

**24.** If any Clerk omit, neglect or refuse to complete the voters' lists, or to perform any of the duties hereinbefore required of him for his municipality, such Clerk, for each such omission, neglect or refusal, shall incur a penalty of two hundred dollars. 32 V. c. 21, s. 7 (4).

Clerks, &c.,  
wilfully falsi-  
fying lists to  
incur a penal-  
ty.

**25.** If any Clerk of a municipality, or Clerk of the Peace, or any other person wilfully make any alteration, omission or insertion, or in any way wilfully falsify any such certified list or copy, or permit the same to be done, every such person shall incur a penalty of two thousand dollars. 32 V. c. 21, s. 11.

Colourable  
transfer of

**26.** No person shall make, execute, accept or become a party to any lease, deed or other instrument, or become a party to any

any verbal arrangement, whereby a colourable interest in any land, house or tenement is conferred, in order to qualify any person to vote at an election; and any person violating the provisions of this section, besides being liable to any other penalty prescribed in that behalf, shall incur a penalty of one hundred dollars and any person who induces, or attempts to induce another to commit an offence under this section, shall incur a like penalty. 37 V. c. 4. s. 14.

**27.** The penalties mentioned in the three next preceding sections may be recovered with costs of suit by any person suing for the same in any Court of competent jurisdiction. Recovery of penalties.

**28.** To prevent the creation of false votes, where any person claims to be assessed, or claims that any other person should be assessed, as owner or occupant of any parcel of land, or as possessing the income which may entitle him to vote in the municipality at an election for the Legislative Assembly, and the assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed, it shall be the duty of the assessor to make reasonable enquiries before assessing such person. 37 V. c. 4. s. 1.

**29.** Any Assessor who wilfully and improperly inserts any name in the assessment roll, or assesses any person at too high an amount, with intent in either case to give to any person not entitled thereto an apparent right of voting at any election, or who wilfully inserts any fictitious name in the assessment roll, or who wilfully and improperly omits any name from the assessment roll, or assesses any person at too low an amount, with intent in either case to deprive any person of his right to vote, shall, upon conviction thereof before a court of competent jurisdiction, be liable to a fine not exceeding two hundred dollars, and to imprisonment until the fine be paid, or to imprisonment in the common gaol of the county or city, for a period not exceeding six months, or to both such fine or imprisonment, in the discretion of the court. 37 V. c. 4. s. 13.

**30.** In carrying into effect the provisions of this Act the forms set forth in the schedule thereto may be used, and the same or forms to the like effect shall be deemed sufficient for the purposes mentioned in the said schedule: The words householder (H), Freeholder (F), and Tenant (T), appearing on the assessment roll pursuant to the Assessment Act shall, for the purposes of this Act, be held to mean respectively Occupant (Oc.), Owner (O), or Tenant (T), and be so entered on the voters' list by the clerk of the municipality.

**31.** The Act respecting Voters' Lists passed in the Session of 37 V. c. 4. the Legislative Assembly of Ontario, held in the thirty-seventh year of Her Majesty's reign, is hereby repealed; the seventh, 32 V. c. 21, eighth, ninth and tenth sections of the Election Law of 1868, ss. 7, 8, 9, 10. and

38 V. c. 3, s.  
12 repealed.

and the twelfth section of the Act chapter three, of the Acts passed in the thirty-eighth year of Her Majesty's reign, are hereby repealed.

Name of Act.

**32.** This Act may be cited as "The Voters' List Act of 1876."

When this  
Act to come  
into force.

**33.** This Act shall come into force on the first day of May, one thousand eight hundred and seventy-six.

## SCHEDULE OF FORMS.

### FORM 1.—VOTERS' LIST.

*Voters' List 187 . Municipality of*

Polling Subdivision No. .

NO. ON ROLL.	NAME.	LOT.	CON. OR STREET.	
6	Anderson, Henry	N. W. ¼ 6	3	Owner.
14	Andrews, John	Wly. 14acs. 8	1	Tenant.
1	Archer, James	2	2	Income
20	Brown, Simon	W. ½ 9	2	Occupant.
71	Burton, Samuel	E. ½ 17	4	<i>See Subdivision No.</i>

### CERTIFICATE TO BE ENDORSED ON VOTERS' LIST.

(Section 2, Subsection 3.)

I, A. B., Clerk of the Municipality of \_\_\_\_\_ in the County of \_\_\_\_\_ do hereby certify that the within (or above) list is a correct list for the year 18 \_\_\_\_\_ of all persons appearing by the last revised Assessment Roll of the said Municipality to be entitled to vote at Elections for Members of the Legislative Assembly; and that a copy of such list was first posted up in my office at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_

And

And I hereby call upon all electors to examine the said list, and if any omissions or other errors are perceived therein, to take immediate proceedings to have the said errors corrected according to law.

Dated this \_\_\_\_\_ day of

A. B.,  
*Clerk of*

FORM 2, BEING CLERK'S NOTICE OF FIRST POSTING OF VOTERS' LIST.

### (Section 3.)

*Voters' List, 187 .—Municipality of the \_\_\_\_\_, County of \_\_\_\_\_*

—Notice is hereby given that the list of all persons appearing by the last revised assessment roll of the said municipality to be entitled to vote in the said municipality at elections for members of the Legislative Assembly—made pursuant to “The Voters’ List Act of 1876”—was first posted up at my office, at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 187\_\_\_\_\_, and remains there for inspection. Electors are called upon to examine the said list, and if any omissions or other errors are found therein, to take immediate proceedings to have the said errors corrected according to law.

Dated, &c.

A. B.

Clerk of the said Municipality.

**FORM 3, BEING REPORT OF CLERK WHEN APPLYING FOR CERTIFICATE  
UNDER SECTION 6.**

To the Judge of the County Court of the County of

I, Clerk of the Municipality of , in the said County  
of do hereby certify as follows:

That I did, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_\_, post up, and for a period of thirty days next thereafter keep posted up, in a conspicuous place in my office at \_\_\_\_\_ a true and correct printed copy of the Voters' List for the said Municipality of \_\_\_\_\_ for 18\_\_\_\_\_, made in pursuance of "The Voters' List Act of 1876," with the certificate required by sub-sec. 3 of s. 2 of the said Act endorsed thereon.

That I did also duly deliver and transmit by post, by registered letter (*or, "by parcel or book post, registered"*), the required number of similar printed copies of the said Voters' List, with my certificate endorsed, to each and all of the persons entitled to the same under section two of said Act.

That I did on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_\_, cause to be inserted in the newspaper called the "\_\_\_\_\_ " published in \_\_\_\_\_, the notice required by section three of said Act.

That no person gave me nor did I receive any written notice of complaint and intention to apply to the Judge or Junior or acting Judge of the County Court of said County of \_\_\_\_\_ in respect to the said Voters' List within thirty days after I, the said Clerk, had posted up the said List in my office, and transmitted and delivered the copies thereof as directed by the provisions of the said Act.

And that to the best of my knowledge and belief, I have complied with the several requirements of the said Act, so as to entitle me to apply for certified copies under the sixth section of the said Act; and I do hereby, in pursuance thereof, now apply to you the said Judge to certify three of the copies of the said List.

List received by you as being the Revised List of Voters for the Municipality of the said \_\_\_\_\_ of for the year of our Lord 18 \_\_\_\_\_.  
 Witness my hand this day of 18 \_\_\_\_\_. .

*Clerk of the Municipality of \_\_\_\_\_,*

P.O. \_\_\_\_\_

FORM 4, BEING CERTIFICATE UNDER SECTION 6.

County of \_\_\_\_\_

Clerk of the Municipality of the \_\_\_\_\_ of having certified under his hand that no complaint respecting the List of Voters for said Municipality, for the year 18 \_\_\_, had been received by him within thirty days after the first posting up of the same; and on application of the said Clerk,

I, \_\_\_\_\_, Judge of the County Court of the County of \_\_\_\_\_, in pursuance of the provisions of "The Voters' List Act of 1876," certify that the annexed printed List of Voters, being one of the copies received by me from the said Clerk, under section 2 of the said Act, is the revised List of Voters for the said Municipality for the year 18 \_\_\_\_\_. .

Given under my hand and seal, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_. .  
*Judge.*

FORM 5, BEING VOTER'S NOTICE OF COMPLAINT. (Sec. 4, Sub-sec. 2.)

To the Clerk of the Municipality of the Town \_\_\_\_\_ of

I, *Angus Bell*, a voter (or "a person entitled to be a voter") in the said municipality (or "for the Electoral District in which the municipality is situated") complain that the name of *John Jack* is wrongly entered in the Voters' List for the said municipality, he being a person disqualified under the second (or "third," or "fourth") section of the Election Law of 1868: And take notice that I intend to apply to the Judge in respect thereof, in pursuance of the statute in that behalf.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 187 \_\_\_\_\_.  
 ANGUS BELL,  
 Residence—Township of *York*.

FORM 6, BEING VOTER'S NOTICE AND APPLICATION. (Sec. 4, Sub-sec. 3.)

To the Clerk of the Municipality of the Town \_\_\_\_\_ of

I, *Luke Doran*, a person entitled to be a voter in the said municipality, complain that the name of *Peter Short* is wrongly inserted in the Voters' List for the said municipality, he having before the final revision and correction of the Assessment Roll transferred to me the property in respect to which his name is entered on the said list (or "parted with the property in respect to which his name is entered on the Voters' List, and that I am in possession of the same"): And take notice that I intend to apply to the Judge to have my name entered on the said list, instead

stead of the said *Peter Short*, pursuant to the provisions of the statute in that behalf.

Dated the                    day of                    187 .  
LUKE DORAN.

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**FORM 7, BEING VOTER'S NOTICE OF COMPLAINT. (Sec. 5.)**

To the Clerk of the Municipality of the Town            of

I, *James Smith*, a voter ("or person entitled to be a voter") for the *Electoral Division* in which the said municipality is situated, complain (*state the names of the persons in respect to whom complaint is made, and the ground of complaint touching each person respectively—or set forth in lists as follows, varying according to circumstances*), that the several persons whose names are set forth in the subjoined list No. 1 are entitled to be voters in the said municipality, as shown in said list, but are wrongfully omitted from the voters' list :—That the several persons whose names are mentioned in the first column of the subjoined list No. 2 are wrongly stated in the said voters' list, as shown in said list No. 2 :—That the several persons whose names are set forth in the first column of the subjoined list No. 3 are wrongfully inserted in the said voters' list, as shown in said list No. 3 :—And that there are errors in the description of the property in respect to which the names respectively are entered on the voters' list (*or stating other errors*), as shown in the subjoined list No. 4 :—And take notice that I intend to apply to the Judge in respect thereof, pursuant to the statute in that behalf.

Dated                    day of                    187

**JAMES SMITH,**  
Residence—Township of *Bebey*.

**LIST NO. 1.**

NAMES OF PERSONS.	GROUNDS ON WHICH THEY ARE ENTITLED TO BE ON THE VOTERS' LIST.
James Tupper.....	Tenant to John Frazer, of N. $\frac{1}{2}$ lot 1, 2nd con.
Simon Beauclerk.....	Owner in fee of N. W. $\frac{1}{4}$ lot 6, in 8th con.
Angus Blain.....	Assessed too low—property worth \$

**LIST NO. 2.**

NAMES OF PERSONS.	THE ERRORS IN STATEMENT UPON VOTERS' LIST.
Joshua Townsend.....	Should be <i>Joseph Townsend</i> .
John McBean.....	Should be <i>John McBean the younger</i> .
S. Connell.....	Should be <i>Simon O'Connell</i> .

## LIST No. 3.

NAMES OF PERSONS.	STATEMENT WHY WRONGFULLY INSERTED IN VOTERS' LIST.
Peter White.....	Died before final revision of roll.
John May.....	Tenancy expired—left the country.
David Walters.....	Assessed too high—property worth under \$

## LIST No. 4.

NAMES OF PERSONS.	ERRORS IN RESPECT TO PROPERTY OR OTHERWISE STATED.
Stephen Washburn .....	Name should be in Sub-division No. 2.
Thomas Gordon.....	Property should be W-½ Lot 7, in 3rd Con.
Ronald Blue.....	Should be described as owner, not tenant.

## FORM 8, BEING CLERK'S REPORT OF APPEALS AND COMPLAINTS TO THE JUDGE.

To His Honor the Judge of the County Court of the County of \_\_\_\_\_  
 The Clerk of the Municipality of \_\_\_\_\_ states and reports that the several persons mentioned in column 1 of the Schedule below, and no others, have each given to him (*or* "left for him at his residence or place of abode," *as the fact may be*) written notice complaining of errors or omissions in the Voters' List for the said Municipality for 187\_\_\_\_\_, on the grounds mentioned in column 2 of the said Schedule, and that such notices were received respectively at dates set down in column 3 of the said Schedule.

Dated, &c.

A. B.,  
*Clerk of the said Municipality.*

## SCHEDEULE.

1. NAMES OF COMPLAINANTS.	2. ERRORS OR OMISSIONS COM- PLAINED OF.	3. DATE WHEN NOTICE OF COMPLAINT RECEIVED BY CLERK.

## FORM 9, BEING JUDGE'S ORDERAPPOINTING COURT FOR HEARING COMPLAINTS AND APPEALS.

To \_\_\_\_\_, Clerk of the Municipality of the \_\_\_\_\_  
 Upon reading your Report and notification respecting the Voters' List for the said municipality for 187\_\_\_\_\_, pursuant to the statute in that behalf, I appoint the \_\_\_\_\_ of 187\_\_\_\_\_, at the hour of \_\_\_\_\_  
 at \_\_\_\_\_ in the said County, for holding a Court to hear and determine the several complaints of errors and omissions in the said Voters' List, of which due notice has been given.

You are constituted Clerk of the Court.

Advertise

Advertise the holding of such Court, and post up in your office or the place the Council hold their sittings a list of all complaints of errors and omissions in the said Voters' List ; and you will notify all parties concerned according to law.

Let the Assessor for the Municipality attend the sittings of the said Court, and let the original Assessment Roll of the Municipality for 187<sup>o</sup>, and the minutes of the Court of Revision for the Municipality for 187<sup>o</sup>, be produced before me or the acting Judge, on the day and at the place above mentioned.

Dated                      day of                      187 .

Judge Co. Court Co. of

FORM 10, BEING NOTICE TO BE POSTED BY CLERK IN HIS OFFICE WITH LIST  
OF COMPLAINTS.

Notice is hereby given that a Court will be held, pursuant to "The Voters' List Act of 1876," at , on the day of 187 , at o'clock, for the purpose of hearing all complaints made against the Voters' List for the Municipality of for 187 , particulars of which complaints are shown in the subjoined Schedule.

All persons having business at the Court are hereby required to attend at the said time and place.

Dated, &c.

A<sub>1</sub> B<sub>11</sub>

*Clerk of the said Municipality.*

NAME OF PARTY COMPLAINING.	NAME OF PERSON IN RESPECT TO WHOM APPEAL WAS MADE.	GROUNDS OF COMPLAINT ALLEGED.

**FORM 11. BEING CLERK'S ADVERTISEMENT OF COURT IN NEWSPAPER.**

Notice is hereby given that a Court will be held, pursuant to the Voters' Lists Act of 1876, by His Honor the Judge of the County Court of the County of , at , on the day of , at o'clock, to hear and determine the several complaints of errors and omissions in the Voters' List of the Municipality of for . All persons having business at the Court are required to attend at the said time and place.

Dated, &c.

A. B.  
1

*Clerk of the said Municipality.*

**FORM 12, BEING CLERK'S NOTICE TO PARTY COMPLAINING.**

### *The Voters' List Act of 1876.*

You are hereby notified that, pursuant to the Statute in that behalf, a Court for the Revision of the Voters' List, 187 , for the Municipality of

will

will be held by the acting Judge of the County Court of the County of at , on the day of , 187 , at o'clock, at which Court all complaints duly lodged of any error or omission in the said List will be heard and determined. A List of said complaints is posted up in , and you are hereby required to be and appear at such Court; and take notice, that the Judge may proceed to hear and determine the said complaints, whether the parties complaining appear or not.

By order of His Honor the Judge of the County Court of the County of  
Dated day of 187 .  
To

A person complaining of error in the  
said Voters' List.

*Clerk of the Municipality of  
and constituted Clerk of said Court.*

#### FORM 13, BEING CLERK'S NOTICE TO PARTY COMPLAINED AGAINST.

*The Voters' List Act of 1876.*

You are hereby notified that, pursuant to the Statute in that behalf, a Court for the Revision of the Voters' List, 187 , for the Municipality of , will be held by the acting Judge of the County Court of the County of , at , on the day of , 187 , at o'clock, and you are required to appear at the said Court, for that hath complained that your name wrongly inserted in the said Voters' List ("because," &c., state matter of complaint concisely). A list of all complaints lodged is posted up in , and take notice that the Judge may proceed to hear and determine the said complaint, whether you appear or not.

By order of His Honor the Judge of the County Court of the County of  
Dated day of , 187 .  
To

Entered on said Voters' List.

*Clerk of the said Municipality, and con-  
stituted Clerk of the said Court.*

#### FORM 14, BEING SUBPOENA REFERRED TO IN SECTION 7.

{ *SEAL.* }

ONTARIO : { VICTORIA, by the Grace of God, of the United  
County of } Kingdom of Great Britain and Ireland, Queen,  
To Wit. } Defender of the Faith.  
To

Greeting :

We command you, that, all excuses being laid aside, you be and appear in your proper person before our Judge of our County Court of the County of at on the day of 1876, at o'clock in the noon,

noon, at a Court appointed, and there and then to be held, for hearing Complaints of Errors in Voters' List for 18\_\_\_\_\_, of the Municipality of the \_\_\_\_\_ of in the County of \_\_\_\_\_, and for revision of the said Voters' List, \_\_\_\_\_, then and there to testify all and singular those things which you know in a certain matter or matters) of complaint made and now depending before the said Judge, under "The Voters' List Act of 1876," wherein one \_\_\_\_\_ is complainant, and which complaint is to be tried at the said Court. Herein fail not.

Witness, His Honor \_\_\_\_\_ Judge of our said Court, at \_\_\_\_\_ the day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_

*Clerk.*

#### FORM 15, BEING STATEMENT UNDER SECTION 8.

Be it Remembered, that upon a final revision and correction of the List of Voters of the Municipality of the \_\_\_\_\_ of \_\_\_\_\_ for the year 187\_\_\_\_\_ pursuant to the provisions of "The Voters' List Act of 1876," the following changes were duly made by me in the copies of the said list received by me from the Clerk of the said Municipality, viz. :

1. The following persons are added to the said List, as having been improperly omitted therefrom :—

NAME.	PROPERTY.

2. The following persons are struck off the said List as having been improperly inserted thereon :—

NAME.	PROPERTY.

3. The following changes are made in the property described opposite to the names of voters otherwise correctly inserted :—

NAME.	PROPERTY AS ORIGINALLY DESCRIBED ON LIST.	PROPERTY AS ALTERED.

4. The following changes are made in the names of voters incorrectly named :—

NAME ORIGINALLY ON LIST.	NAME AS ALTERED.	PROPERTY.

Witness my hand this \_\_\_\_\_ day of  
\_\_\_\_\_, County Judge, County of \_\_\_\_\_

FORM 16, BEING CERTIFICATE UNDER SECTION 8.

I, \_\_\_\_\_, Judge of the County Court of the County of \_\_\_\_\_  
pursuant to the 8th section of "The Voters' List Act of 1876," do hereby certify  
that the above (*or as the case may be*) is a corrected copy of the List of Voters, for  
the year 18\_\_\_\_\_, received by me from the Clerk of the Municipality of the  
of \_\_\_\_\_, according to my revision and correction thereof, pursuant to the  
provisions of the said Act.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18

Judge

FORM 17, BEING ORDER UNDER SECTION 15.

In the Matter of Assessment for the Year 18 in the Municipality of

The persons mentioned in the first column of the Schedules following not being assessed, or not being sufficiently assessed, on the Assessment Roll of the Municipality of \_\_\_\_\_ for the year 18\_\_\_\_\_, and having been found entitled to vote, on proceedings taken before me \_\_\_\_\_ Judge of the County of \_\_\_\_\_, under "The Voters' List Act of 1876 :" In pursuance of the fifteenth section of the said Act it is adjudged that the said parties mentioned in the first columns of the following Schedules respectively should have been assessed for the sums mentioned in the second columns respectively opposite their respective names, in respect to the land or other property or qualification mentioned in the third columns of said schedules respectively opposite the respective names of said parties, and it is ordered that the said parties should be assessed accordingly.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18

Judge.

SCHEDULE 1

Column 1.	Column 2.	Column 3.
Name of Persons liable to have been Assessed on the Assessment Roll for the Municipality of _____ for the year 18_____, but not Assessed.	Amount for which the parties should have been assessed.	Property in respect to which the liability to assessment exists.

## SCHEDULE

## SCHEDULE 2.

Column 1.	Column 2.	Column 3.
Name of Persons not sufficiently Assessed on the Assessment Roll for the Municipality of for the year 18 .	Amount for which the parties should be Assessed in addition to the amount already on the Assessment Roll.	Property in respect to which the liability to Assessment exists.

## FORM 18, BEING ORDER FOR PAYMENT OF COSTS.

*The Voters' List Act of 1876.*

In the matter of the Voters' List for the Municipality of , 18 , and of the complaint and appeal to the Judge of the County Court of the County of by A. B., complaining of the name of C. D. being wrongly inserted in the said list (*or, as the case may be, stating in brief the nature of the complaint*).

On proceedings taken before me, pursuant to the said Statute, I find and adjudge that the name of the said C. D. was rightly inserted in the said list (*or "was wrongly inserted in the said list"*), and order that the said A. B. do pay the said C. D. his costs occasioned by the said complaint (*or "and order that the said C. D. shall pay the said A. B. his costs incident to the said complaint,"*)—*or "and order that E. F., the assessor of the said Municipality, being blameable for such wrong insertion, do pay the said A. B. his costs incident to the said complaint"*, (*or as the order may be, stating it in brief,*) said costs to be taxed pursuant to the said Statute.

Dated, &c.

*Judge.*

## FORM 19, BEING EXECUTION UNDER SECTION 14.

*VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.*

To the Sheriff of the

GREETING :

We command you that of the goods and chattels in your Bailiwick of C. D. you cause to be made dollars, for certain costs which lately, by an order of His Honor , Judge of the County Court of the County of , dated the day of , 18 , were ordered to be paid by the said C. D. to A. B., as and for his costs sustained by him on the trial of a complaint against the Voters' List for the Municipality of , in the said County, for 18 , made and prosecuted under the provisions of "The Voters' List Act of 1876," which said costs have been taxed and allowed at the said sum, as appears of record; and have that money before our Judge of our said Court at immediately after the execution hereof; and in what manner you shall have executed this our writ, make appear to

to our Judge aforesaid at  
and have you there then this writ.

Witness, His Honor  
the              day of

immediately after the execution thereof,  
, Judge of our said Court, at  
in the year of our Lord 18 .

## FORM 20, BEING APPLICATION TO JUDGE AGAINST DELINQUENT CLERK.

(Sec. 11.)

\* Pursuant to the 11th Section of "The Voters' List Act of 1876," I, A. B., Clerk of the Peace for the County of (or, "a person entitled to be named as an elector on the Voters' List for the Municipality of , for 18 ,") hereby inform His Honor the Judge of the County Court of the said County, that C. D., Clerk of the Municipality of , in the said County, has failed to perform the duties required of him as such Clerk by the said Act, in this, that he the said C. D. has not made out the Alphabetical List of Voters for 18 , for the said Municipality, within thirty days after the final revision and correction of the Assessment Roll thereof (or "has not delivered nor transmitted printed copies of the Voters' List for the said Municipality, for 18 , to        and        and        or to any of them" or, as the case may be, stating in brief the duty not performed), according to the requirements of the said Act; and I apply to you the said Judge to enforce the performance of the duties aforesaid, and to take such other proceedings as may be necessary.

Dated, &c.

## FORM 21, BEING SUMMONS UNDER SECTION 11, SUB-SECTION 3.

*The Voters' List Act of 1876.*

In the matter of the Voters' List for the Municipality of ,  
in the County of , for 18 .

Whereas it appears by the application of A. B., the Clerk of the Peace for the said County (or a person entitled to be named as an Elector on the said List), made to me, in pursuance of the said Act, that you, C. D., the Clerk of the said Municipality, have failed to perform certain duties required of you by the said Act, in this, that you have not made out the Alphabetical List of Voters for 18 , for the said Municipality, within thirty days after the final revision and correction of the Assessment Roll thereof (or, as the case may be, following the application); and whereas the said A. B. has applied to me to enforce the performance of the duties aforesaid;

You, the said C. D., are therefore hereby required to be and appear before me at my Chambers, in , on the        day of , 18 , at the hour of , and then and there have with you and produce before me the Assessment Roll for 18 , for the said Municipality, and any documents in your custody, power or control, relating to the said Assessment Roll, or to the Voters' List aforesaid; and then and there submit yourself for such examination on oath as may be required of you.

Herein fail not at your peril.

Dated this        day of

To C. D.,  
Clerk of the Municipality }  
of }

18 .

Judge.  
CAP.

## CAP. XII.

An Act respecting the duration of Terms in the Courts of Queen's Bench and Common Pleas.

[*Assented to 10th February, 1876.*]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** In case it appears to the Judges of either of the Courts of Queen's Bench and Common Pleas or to any two of them, of whom the Chief Justice shall be one, that the number of days which are provided by law for holding any Term is not required, or is insufficient for the due despatch of the business to be transacted by that Court in such Term, such Judges may, from time to time, by rule or order, shorten the period for holding the Term in such Court to such period, not less than two weeks, or increase the length of the same, or of any Term, in such Court to any period, as the case may require.

**2.** The period for holding Hilary Term in the Court of Queen's Bench in the present year shall end on Saturday, the twenty-sixth day of February.

**3.** Section one, of the Act passed by the Legislature of this Province in the thirty-eighth year of Her Majesty's reign, and chaptered nine, is hereby repealed.

## CAP. XIII.

An Act to provide for the payment of Witnesses for the Crown.

[*Assented to 10th February, 1876.*]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The word "court," in the sections of this Act numbered from two to six inclusive, signifies and includes the Superior Courts of Common Law, Courts of Oyer and Terminer, General Gaol Delivery, General Sessions of the Peace, and County Judges' Criminal Courts.

In certain cases Crown witnesses may be compensated for attendance on prosecution or trial,

**2.** In case of a prosecution or trial for treason or felony, or any offence which is punishable by imprisonment only or any offence for which whipping may be imposed, the judge, who holds the court before which a prosecution or trial for the offence takes place, may grant, to any one who attends on recognizance or subpoena to give evidence, or who gives evidence, on the part of the Crown, an order for payment of such sum of money as to the judge shall seem reasonable and sufficient to compensate such witness for the costs and charges incurred by him in his attendance as such witness; such sum not to exceed the amount then payable to the like witnesses in civil cases in the Superior Courts; and no allowance is to be made to any witness who resides in the county town where the offence is tried, or within one mile thereof, except in the case of medical or indigent witnesses.

or where no indictment prepared or trial had.

**3.** Where no bill of indictment has been prepared, or where the trial has not been proceeded with, the court may make a similar order in favour of any person who, in the opinion of the court, *bonâ fide* attended the court in obedience to a recognizance or subpoena.

Certificate whereon order to be made.

**4.** The order is not to be made except on a certificate by the counsel, if any, for the Crown in the case, and by the county attorney (unless the county attorney is also the counsel for the Crown, and certifies as such); such certificate to contain the particulars necessary in, and to be to the effect of, the affidavit required in civil cases to entitle a party to disbursements to witnesses; but the court may require further evidence; and shall have a discretion to grant or refuse the order.

Discretion as to order.

**5.** The order may embrace any number of witnesses and any number of cases, or may be for one witness only: If the county attorney is absent, and for this or for some other reason, some other attorney is acting for him, the certificate of the latter may be given instead of the certificate of the county attorney.

Order, how made out and directed.

**6.** Every order for payment shall be forthwith made out and delivered by the proper officer of the court, and shall be directed to the treasurer of the county in which the offence was committed, or was supposed to have been committed; or if such offence was committed or was supposed to have been committed in a city, or in a town separated for municipal purposes from the county, the order shall be directed to the treasurer of the said city or town.

Payment by treasurer on whom order made.

**7.** The treasurer to whom the order is directed shall forthwith, out of the funds of the municipality in his hands, pay to the witness, or each of the witnesses named, the amount ascertained by the certificate, on such witness signing a receipt therefor in person.

**8.** In case the trial takes place in a county other than the Payment by county in which the offence was committed, the treasurer of a treasurer on whom order is the county in which the trial takes place, if applied to by the not made. witnesses, shall forthwith pay the money in the first instance out of the funds of the municipality in his hands, and shall forthwith be reimbursed by the treasurer to whom the order is directed.

**9.** One-third of the amount paid to witnesses under this Act One-third to shall be repaid to the municipality out of the consolidated rev- be paid to municipality. enue fund of the Province, except as is hereinafter mentioned.

**10.** In respect of witnesses under this Act, in cases sent Expenses of from the unorganized districts for trial in any county, the ex- witnesses sent from unorgan- penses of such witnesses shall be repaid in full out of the con- ized districts, solidated revenue fund. how repaid.

**11.** The like fees shall be paid out of the consolidated revenue Witnesses in fund to witnesses attending sittings of any of the courts in the unorganized districts. first section of this Act, held within any of the said unorganized districts, upon the prosecution or trial of any treason, felony or other offence mentioned in this Act, and shall be so paid under such regulations as the Lieutenant-Governor in Council may adopt.

**12.** In case any witness fees paid under the provisions of this On recovery Act are, by virtue of the judgment of the court, afterwards re- from prosec- covered from the prosecutor or defendant, the same shall be fendant the repaid to the municipality, and one-third accounted for by the municipality to be repaid. to the Crown.

**13.** For and to cover the costs, charges and expenses of, and Fee to attor- incidental to, the certificate, or to the enquiry whether a certifi- ney in respect of certificate. cate should be granted, the county attorney shall be entitled to receive from the corporation of the county in which the court is held the sum of one dollar in respect of every prosecution or trial on which a witness is examined, which sum shall be over and above his other costs and charges.

**14.** One-third of the fee of one dollar, payable to the county One-third of attorney's fee attorney, as aforesaid, shall be repaid to the municipality out to be repaid to of the consolidated revenue fund of the Province. municipality.

**15.** In case of any information, action, suit or other legal proceeding before any court in Ontario, by or on behalf of the Crown, for prosecution of the prosecution of rights, claims or demands which Her Majesty claims, &c., by may have against any person or persons, body or bodies corporate, for the use of the Province, or for the recovery of the possession of any lands, deeds or personal property whereto Her Majesty claims to be entitled, for the use of the Province, the witnesses shall be entitled to be paid the like witness fees as are payable on Her Majesty's claims, &c., by Her Majesty.

are payable in such court in civil suits, between subject and subject.

Compensation  
not to be paid  
before deter-  
mination of  
the case.

**16.** Nothing herein contained shall be construed to entitle a witness in any case to which this Act applies to require payment of any sum of money previous to the determination at such court of the prosecution or trial at which he attends as a witness.

Rights of  
counties con-  
tinued under  
32 & 33 Vic.,  
c. 6, s. 5, as to  
costs on con-  
viction, etc., of  
Indians.

**17.** This Act shall not prejudice the rights which any county in which Indian reservations are located may have as against the Dominion of Canada, under section five of the Act passed by the Parliament of Canada in the session held in the thirty-second and thirty-third years of the reign of Her Majesty Queen Victoria, and chaptered six.

## CAP. XIV.

### An Act respecting County Court Judges.

[Assented to 10th February, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Division into  
districts.

**1.** Any part or parts of the Province may, for the purposes of this Act, be divided into Districts, or Groups of Counties, by proclamation of the Lieutenant-Governor, at such time or times as he may deem expedient; and such division shall take effect, and the Districts thereby formed be erected and established, on such day after the first publication of the proclamation in the *Ontario Gazette* as the proclamation may name: The Districts so erected may, from time to time, be dissolved, re-established, altered or re-arranged by the Lieutenant-Governor by like proclamation; and the time when such dissolution, alteration or re-arrangement is to take effect may be named, proclaimed and published in the *Ontario Gazette* in like manner.

What Judges  
shall hold the  
Courts.

**2.** After the erection of a District for the purposes of this Act, the several County Courts, Courts of General Sessions, Division Courts, Courts of Appeal under the Assessment Act, Courts for the Revision of Voters' Lists and all other Courts which a County Judge may hold in each District, shall be held by the Judges (including therein the junior Judges) in the District, in rotation, as far as may in each District be just, convenient and practicable, in view of the respective ages,

len

length of service, and strength of the several Judges, and the special duty heretofore assigned to junior Judges, as well as in view of the other offices (if any) held by any of the Judges, and all other circumstances.

**3.** The Judges in any or each District so erected shall meet together at least once in every year ; and the Judges present, or a majority of them, shall arrange and appoint which of the said courts in the District shall be held by each of the Judges of the District throughout the ensuing year, and what other judicial work each shall discharge in the respective counties of the District throughout the year.

**4.** The first meeting shall take place at such place and time as shall be named for that purpose in the proclamation erecting and establishing a District of Counties, or at any place and on any day the Judges of the District shall agree upon in case the same are not named in the proclamation ; and the meeting may be continued from day to day at the discretion of the Judges present : the subsequent annual meetings shall be at such one of the County Towns of the District, and at such place there, and at such time, as the Judges of the District unanimously agree, or as a majority present at any annual meeting may appoint, or as the Lieutenant-Governor may by Order in Council direct.

**5.** It shall be the duty of every Judge to whom any duty is assigned at any such meeting, to perform the duty so assigned to him ; and if he is, by reason of illness or any other cause, unable to perform the same, it shall be his duty to do what is necessary, if he can, to have the duty performed by another person competent by law in that behalf.

**6.** In case no provision is made at any such meeting for some duty belonging to the County Court Judges, or in case the provision made in that behalf proves abortive, it shall be the duty of the Judges of the District to see that the deficiency is supplied by some other person competent by law in that behalf, and to forthwith communicate what they do therein to the Provincial Secretary.

**7.** Every County Court Judge shall reside as hitherto in the County of which his commission designates him as Judge ; and there shall continue to be a resident Judge in each of the Counties or united Counties now having a County Judge.

**8.** The Judge of any County, forming part of a District, may, if he see occasion, perform in any part of the District any judicial acts affecting the courts or business of the County of which his commission designates him as Judge, and being within the legislative authority of this Province.

Duty of Judge  
to act without  
his County.

**9.** In cases hereinbefore not provided for, it shall be the duty of a County Court Judge to hold any Court in any County other than his own, or to perform any other duty of a County Court Judge in any County, upon being required so to do by an order of the Governor-General made at the request of the Lieutenant-Governor; or, without any such order, the Judge in any County may, if he see fit, perform any judicial duties in any County other than his own on being requested to do so by the Judge to whom the duty for any reason belongs.

Power of a  
Judge acting  
without his  
County,

**10.** In such case the Judge acting in compliance with such direction or request, shall have jurisdiction to hold all or any of the Courts of the County in which he so acts, and to do or adjudicate upon all matters or things either in term or vacation in such County, and whether relating to the business of any of the said Courts or to any other matter or thing over which the Judge of the County Court of the County has jurisdiction, either by virtue of any statute or otherwise howsoever; and no act of a County Court Judge in any County shall be open to question in any legal proceeding on the alleged ground that he was not the proper Judge to perform the duty, or that the same had not been regularly or otherwise assigned to him, or had not been performed at such request, or by such direction, as the law requires.

In case of ill-  
ness or absence  
of Judge, the  
Deputy may  
act.

**11.** In case of the illness or unavoidable absence, or absence on leave, of a County Court Judge, the Deputy Judge (if any) of the County shall have authority to perform in his place in the County for which he is Deputy, all the duties of and incident to the office of Judge of the County Court and Division Courts, and all the other acts required or allowed to be done by the Judge of the County Court under this or any other statute.

Con. Stat. U.  
C. c. 15, s. 8,  
explained as to  
Deputy  
Judges.

**12.** The eighth section of the Consolidated Statute for Upper Canada, respecting County Courts, was intended to authorize, and shall be construed as having authorized, the appointment of a Deputy Judge of a County Court, notwithstanding that the office of Judge was vacant by death, or resignation, or that the Judge was ill, or was unavoidably absent, or absent on leave, at the time of the appointment of such Deputy Judge.

County Court  
Judges to be  
*ex-officio* Jus-  
tices of the  
Peace.

**13.** Every Judge of a County Court shall be *ex-officio* a Justice of the Peace for every County and part of Ontario, and may act in the office of Justice of the Peace in any part of the Province; and no property or other qualification shall be required in the case of a Judge of a County Court.

## CAP. XV.

## An Act to amend the Division Courts Acts.

[Assented to 10th February, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section seventeen of chapter twenty-three of the Act passed C. S. U. C. in the thirty-second year of the reign of Her Majesty Queen ch. 19, s. 79, Victoria, intituled "An Act to amend the Acts respecting Division amended. Courts," is hereby amended by striking out the words "ninety-three" in the first line thereof, and by substituting therefor the words "ninety-five;" and section ninety-three of C. S. U. C. chapter nineteen of the Consolidated Statutes for Upper Canada c. 19, s. 93, revived. is hereby revived.
2. Section fifty-nine of chapter nineteen of the Consolidated C. S. U. C. Statutes for Upper Canada (Ontario), intituled "An Act respecting c. 19, s. 59, amended. the Division Courts," is hereby amended, by striking out the words "two hundred" in the last line, and by substituting therefor the words "four hundred."
3. In case the plaintiff or defendant in any suit in any Division Court is desirous of having at the trial thereof the testimony Power to issue commission to take evidence. of any person who is residing without the limits of the Province of Ontario, the judge of the County Court of the county wherein such suit is pending, may, upon the application of such plaintiff or defendant, and upon hearing the parties, order the issue of one or more commission or commissions out of and under the seal of such County Court to one or more commissioner or commissioners to take the examination of such person or persons respectively: Provided always that no order shall be made Proviso. for the issue of any such commission, for the taking of the evidence of the person applying therefor, or any person in his employment, unless in the opinion of the judge a saving of expense will be caused thereby, or unless it be clearly made to appear that such person or persons are aged or infirm, or otherwise unable from sickness to appear as a witness or witnesses.
4. The provisions of sections twenty and twenty-one of chapter thirty-two of the Consolidated Statutes for Upper Canada, C. S. U. C. c. 32, ss. 20 and 21, made intituled "an Act respecting witnesses and evidence," shall, so applicable to far as the same may be applicable thereto, apply to every commission issued under the authority of this Act.

5. The commission when returned shall, with the evidence taken thereunder, and the papers returned therewith by the commissioner, be forthwith transmitted by the Clerk of the Commission, &c., to be returned to Division Court Clerk by County

County Court Clerk. County Court to the Clerk of the Division Court in which the suit to which the same relates is pending.

Costs of commission.

**6.** The costs of, and attending the application for issue, executing, return and transmission of any such commission shall be in the discretion of the Court in which the suit is pending, and shall be taxed on the County Court scale by the Clerk of the County Court out of which the same shall have issued, on notice to all parties interested, and the Clerk shall certify the result of such taxation, accompanied by a copy of the bill of costs as taxed, to the Clerk of the Division Court in which the suit is pending ; and such costs may be added to any other costs to be paid to the party entitled thereto, and may be recovered by the party entitled thereto in like manner as and by the like process by which the ordinary costs of the suit are recoverable by the practice of the Division Courts.

Costs in cases within competence of Division Court brought in County Court.

**7.** The plaintiff in any action of the proper competence of the Division Court, which shall hereafter be brought in any County Court, shall not be entitled to a certificate for full County Court costs if judgment shall be recovered in such action by default for want of an appearance or plea or on the ground only of a commission for the taking of evidence out of the Province having been issued therein or necessary whether judgment be recovered by default or otherwise.

## CAP. XVI.

### An Act respecting the Education Department.

[Assented to 10th February, 1876]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Functions of Council of Public Instruction transferred to Education Department, and of Chief Superintendent to Member of Executive Council.

**1.** The functions of the Council of Public Instruction are hereby suspended, and all the powers and duties which the said Council now possesses or may exercise by virtue of any statute in that behalf, shall devolve and are hereby devolved upon the Education Department, which shall consist of the Executive Council, or a Committee thereof appointed by the Lieutenant-Governor ; and all the functions and duties of the Chief Superintendent of Education are hereby vested in one of the said Executive Council, to be nominated by the Lieutenant-Governor and to be designated " Minister of Education " ; and whenever in any statute, by-law, regulation, deed, proceeding, matter or thing, the term " Council of Public Instruction," or

or "Chief Superintendent of Education" (as the case may be), or to the like signification, respectively occurs, the same shall be construed and have effect as if the term "Education Department" or "Minister of Education" was substituted therefor respectively.

**2.** The said office of Minister of Education may be held by a Member of the Executive Council holding no other office; and notwithstanding any salary attached thereto, he shall be capable of being elected, and sitting and voting as a member of the Legislative Assembly; or such office may be held in connection with any other office held by a member of the Executive Council; and any of the powers and duties of the said office may be assigned for a limited period, or otherwise, to any other of the members of the Executive Council holding any other Departmental office, by name or otherwise.

**3.** In case a member of the Executive Council holds any one of the five Departmental offices established by the sixty-third section of the British North America Act of 1867, and being at the same time a Member of the Legislative Assembly, resigns his office, and within one month after his resignation accepts the said office of Minister of Education, he shall not thereby vacate his seat in the Legislative Assembly, unless the Administration of which such person was a member shall have resigned, and in the interval a new Administration shall have occupied the said offices; or in case such member of the Executive Council is appointed to hold the said office of Minister of Education in addition to or in connection with one of the said five Departmental offices, he shall not thereby vacate his seat in the Legislative Assembly; and in either of the said cases, any increase or change of emolument arising from the said office of Minister of Education shall not cause any vacancy, or render a re-election necessary.

## CAP. XVII.

An Act respecting Sureties for Public Officers of Ontario.

[Assented to 10th February, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Where any person, Company or Corporation is surety for the performance by a sheriff or registrar of deeds or by a clerk or to liability of bailiff of a Division Court, or by any other public officer, or by any sureties of public officers.

any person appointed to any civil office, employment or commission in any public department in the Government of this Province, or to any office or employment of public trust, whether the suretyship is for the benefit of the Crown or inures for the benefit of any person injured by the default or misconduct of such officer or other person, and any action or suit is brought upon the bond, covenant or recognizance of suretyship, no damages shall be recovered in the said action or suit against such surety except as to matters and causes of action which have arisen within ten years next before the commencement of the said action or suit.

**Sureties of  
registrars.**

**2.** Any surety for a registrar of deeds, who may be no longer disposed to continue his responsibility as such surety, may give notice thereof to the registrar, and to the Provincial Secretary, and in such case the registrar shall, under penalty of forfeiture of his office, furnish the security of a new surety in lieu of the surety so giving notice, and shall complete and transmit the necessary recognizance or covenant in that behalf to the Provincial Secretary within one month after such notice, and shall procure the approval of the new security within two months after the notice, and all accruing responsibility on the part of the person giving the notice shall continue until, and shall cease upon and after the perfecting and approval of the new security.

**Sureties of  
clerks and  
bailiffs of Divi-  
sion Courts.**

**3.** Any person who has become surety for any clerk or bailiff of a Division Court, and who may be no longer disposed to continue such responsibility, may give notice thereof to the clerk or bailiff, and to the Judge of the County Court, and in such case the said clerk or bailiff shall furnish the security of a new surety in lieu of the surety so giving notice, and shall have the necessary bond or covenant approved by the Judge and completed within one month after such notice; and all accruing responsibility on the part of the person giving such notice shall cease upon and after the perfecting and approval by the Judge of the new security.

**Certain sec-  
tions of 32 V.  
o. 29 to apply  
to securities  
given by Divi-  
sion Court  
clerks and  
bailiffs.**

**4.** Sections eight, nine, ten, eleven, twelve and thirteen of the Act passed in the thirty-second year of Her Majesty's reign, intituled "An Act respecting the security to be given by officers of Ontario," shall apply to securities given by a registrar of deeds and, with the substitution of "The Judge of the Court" for "The Lieutenant-Governor" shall apply to securities given by a clerk or bailiff of a Division Court.

**Municipal  
treasurers.**

**5.** Nothing in the preceding sections of this Act or in the said Act respecting the security to be given by public officers of Ontario, shall be construed to apply to any treasurer or other officer having the control or management of moneys levied and applied for municipal or local purposes.

**6.** Wherever by any Act of the Legislature of this Province, or any other Act within the legislative authority of this Province, any person appointed to any public office, or authorized to perform any official duties in Ontario, is required to give or enter into any bond or other security for the proper performance of his duties, any affidavit of justification made by such person or by the sureties in any such bond, and any affidavit of the due execution of any such bond or security, may be made before a Justice of the Peace, or before a Commissioner authorized to take affidavits to be used in the Superior Courts.

**7.** It shall not be hereafter necessary that any Sheriff or Registrar of Deeds, Division Court Clerk or Bailiff, shall furnish security to the Crown by bond or recognizances as heretofore required; but every covenant which may be hereafter entered into for or in behalf of a Sheriff, Registrar, Clerk or Bailiff aforesaid, in pursuance of any Statute requiring security from any of such officers, or in pursuance of the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "An Act respecting official securities given for the protection of private persons," shall inure for the benefit of Her Majesty, and Her Majesty shall be entitled to bring and maintain an action thereon in respect of any damages suffered by Her Majesty or by the public on account of any misconduct, neglect or default of the officer in either instance, with the like effect as any private person suffering damages as aforesaid might, and may also sue in any other mode by which Her Majesty may sue upon a covenant.

**8.** The provisions of law relating to securities to be given by Registrars in other parts of Ontario shall also apply to the Registrars of Deeds of the Provisional County of Haliburton, and of the districts of Algoma, Nipissing, Muskoka, Parry Sound and Thunder Bay, except that the covenant to be given by such officers shall be for such an amount as the Lieutenant-Governor in Council may determine; and every security heretofore given by any of the said officers shall be as valid and binding as if this Act had been passed before the execution thereof, and shall from the time of such execution take effect in accordance with the terms thereof.

**9.** Sections numbered eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty-two of chapter twelve of the Consolidated Statutes of Canada, are hereby repealed in so far as such sections are within the legislative authority of the Province of Ontario.

**10.** The Lieutenant-Governor, upon the application of any County or City interested, or without such application if he think fit, may require any Registrar of Deeds to give security in such form and for such an amount as the Lieutenant-Governor in Council may determine to be sufficient to secure the due payment of any moneys payable by the Registrar to the County or City.

Lieutenant-Governor may require Registrars to give security.

CAP.

## CAP. XVIII.

## An Act to amend the Act respecting the Public Works of the Province.

[Assented to 10th February, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

**Power to acquire and possess lands, etc.**

**1.** The Commissioner of Public Works may acquire and take possession, for and in the name of Her Majesty, of any land or real estate, streams, waters, water-courses, fences and walls, the appropriation of which is in his judgment necessary or expedient to be acquired or taken for the use, construction or maintenance of any public work or building; or for the purpose of draining any public building, or for the sewage service thereof, or for the use, construction or maintenance of hydraulic privileges made or created by, from or at any public work; or for the purpose of draining; or for the enlargement or improvement of any public work, or for obtaining better access thereto; or for any other public purposes authorized by the Legislature or by the Lieutenant-Governor, and to whatever department of the Government the purpose may happen to belong; and the Commissioner may, for any such purpose, contract with all persons, guardians, tutors, curators and trustees whatsoever, not only for themselves, their heirs, successors and assigns, but also for and on the behalf of those whom they represent, whether infants, absentees, lunatics, married women, or other persons otherwise incapable of contracting, possessed of, or interested in such lands, real property, streams, waters and water-courses; and all such contracts, and all conveyances or other instruments made in pursuance of any such contract, shall be valid to all intents and purposes whatever.

**Parties enabled to contract.**

**Taking possession when parties under disability.**

**2.** In case the owner of any land or other property, the acquisition whereof is required as aforesaid, is under disability and has no representative known to the Commissioner with whom a valid agreement can be made, the Commissioner may, without notice or tender of compensation, take possession of the said land, after such advertisement as required where the owner does not reside on or near the property.

**Application for representation of those under disability.**

**3.** In case the owner of the land or property to be taken is an infant, or other person under disability, and has no guardian or committee legally authorized to represent his interest in the said land, the Court of Chancery or a Judge thereof, or the Judge of the County Court of the County in which the land lies, shall, upon the application by petition of the Commissioner, appoint

point some person to represent the interest of the infant or other person under disability, and shall determine the compensation to be paid by the Commissioner to the person so appointed for his services; provided always, that marriage shall not constitute a disability requiring an appointment to be made under this Act.

**4.** No such appointment shall be required where the person under disability is only a part owner, and another person not under any disability, who is also a part owner, has agreed to sell, or has been served in the Province of Ontario with a proposal to purchase, or a tender of purchase money, and in no such case shall it be necessary that the interest of the infant be represented in any dispute which may arise as to the value of the property taken.

**5.** The preceding section shall not apply where the infant or other person under disability holds an estate of a different nature from that of the person not under disability, but shall apply in all cases where they are part owners of the same estate, although in different proportions.

**6.** The said Judge of the County Court, or such person as the Court of Chancery may direct, shall have authority to execute a conveyance for and in the name of any infant or other person under disability, whether the case requires the appointment of some person to represent the interest of the infant or other person under disability, or does not so require, and such execution shall be expressed to be under the authority of this Act.

**7.** When any resistance or forcible opposition is offered or apprehended to possession being taken of any land, or to the exercise of any right authorized under this Act or under the Act passed in the thirty-second year of Her Majesty's reign, intituled "An Act respecting the Public Works of Ontario," the Judge of the County or District Court of the County or District in which the land to be taken, or in respect of which the right is to be exercised lies, may issue his warrant to the Sheriff of the District or County, or to a Bailiff, as he may deem most suitable, to put the Commissioner, his servants or agents, in possession, and to put down such resistance or opposition, which the Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do.

**8.** The Commissioner may if he think fit, in any case where any person is entitled to an arbitration under the said Act, or under this Act, take such steps as may be necessary in order to have the amount of compensation determined by the Board of Arbitrators.

**9.** Where, under or by virtue of this Act, any payment is to be made by the Commissioner of Public Works, the same shall

Persons under  
disability only  
part owners,

or holding es-  
tate of different  
nature from  
part owner.

Conveyance of  
lands of in-  
fants, &c.

Resistance to  
taking posses-  
sion of land.

Compensation  
may be deter-  
mined by the  
Board of  
Arbitrators.

Payments  
made under  
this Act.

shall be payable out of such moneys as may be voted by the Legislature of this Province for that purpose, and not otherwise, and the Commissioner shall not be in anywise personally liable thereto, or for any proceedings had or taken by virtue of this Act, or of the said Act.

Compensation  
to stand in the  
place of land  
taken without  
consent of

owner, as to  
all charges  
thereon.

All lands  
taken under  
the said Act,  
vested in the  
Crown.

Proviso.

Compensation  
may be paid  
into court in  
certain cases.

**10.** The compensation money agreed upon, paid into Court as hereinafter provided or awarded by the official arbitrators for any lands or property acquired or taken by the Commissioner, and which may under the said Act as amended by this Act be taken by the said Commissioner without the consent of the proprietor, shall stand in the stead of such lands or property; and any claim to or incumbrance upon such lands or property shall, as respects the Crown, be converted into a claim to such compensation money or to a proportionate amount thereof, and shall be void as respects the lands or property themselves, which shall, by the fact of the taking possession thereof under the said Act, notwithstanding any irregularity in the previous proceedings, become and be absolutely vested in the Crown, as shall also any lands or property taken possession of by the Crown under the said Act, whether there be or be not any conveyance, agreement or award respecting the same,—subject always to the determination of the compensation to be paid, and to the payment thereof when such conveyance, agreement or award shall have been made.

**11.** If the party conveying such lands or property could not, without the said Act, have conveyed the same or agreed for the compensation to be paid therefor, or if any owner or party to whom the compensation money or any part thereof is payable, refuse to execute the proper conveyance or other requisite instrument of transfer of the premises, or if the party entitled to claim the same cannot be found or is unknown to the Commissioner, or if the Commissioner has reason to fear any claim or incumbrance, or if for any other reason he deem it advisable, the Commissioner may pay such compensation money or award, or if there has been no compensation money agreed upon or amount awarded, then such sum of money as in the opinion of the Commissioner shall be sufficient compensation for such lands or property, into the Court of Chancery (with the interest thereon for six months), and may deliver to the registrar or other proper officer of the court a copy of the conveyance, or of the agreement or award, if there be no conveyance, certified by the Commissioner, and if there be neither conveyance nor award may deliver to the said officer a notice specifying the lands or property so acquired or taken.

Notice to par-  
ties interested  
by advertise-  
ment.

**12.** A notice in such form and for such time as the court may appoint, shall be inserted by the officer of the court in some newspaper, if there be any, published in the district or county in which the lands are situate, which shall state that the title of the Crown, that is, the conveyance, agreement or award, or

or if there be none such, then the notice of the Commissioner to the said officer of the court as hereinbefore provided, is under the said Act as amended by this Act, and shall call upon all persons entitled to the lands or to any part thereof, or representing or being the husbands of any parties so entitled, or claiming to hold or represent incumbrances thereon or interests therein, to file their claims to the compensation or any part thereof; and all such claims shall be received and adjudged upon by the court, and the said proceedings shall forever bar all claims to the compensation or any part thereof, including any claim in respect of dower, as well as in respect of all mortgages or incumbrances upon the same; and the court shall make such order for the distribution, payment or investment of the compensation and for the securing of the rights of all parties interested as to right and justice and according to the provisions of this Act and to law shall appertain.

Court to dis-  
tribute the  
compensation  
money.

**13.** The costs of the proceedings or any part thereof shall be paid by the Commissioner or by any other party as the court may order, and if the order of distribution be obtained in less than six months from the payment of the compensation into the court, the court shall direct a proportionate part of the interest to be returned to the Commissioner; and if from any error, fault or neglect of the Commissioner, it is not obtained until after the six months have expired, the court shall order the Commissioner to pay into court the interest for such further period as may be right; Provided always, that in any case where the price or compensation money agreed for or awarded does not exceed one hundred dollars, it may be paid to the party who, under the said Act as hereby amended, can lawfully convey the lands or property or agree for the compensation to be made in the case, with the same effect as if it had been paid into court under this Act; saving always the rights of any other party to such compensation money as against the party receiving the same.

Proviso : if  
compensation  
does not ex-  
ceed \$100.

**14.** If any party entitled to any compensation as aforesaid is dissatisfied with the amount so paid by the Commissioner into court as aforesaid, the question of the amount of compensation may be referred to the Board of Arbitrators, and proceedings thereon shall be had according to this Act, and the Commissioner may pay the amount of any award thereon into court, as the case may be, and the court shall make such order as to the same as if it had been paid in as compensation as hereinbefore mentioned.

Proviso : for  
arbitration if  
any party enti-  
tled is dis-  
satisfied with  
amount paid  
into court.

**15.** So much of the twenty-fifth section of the said Act as Section 25 of 32 V., c. 23, requires that the compensation in any case therein referred to shall be paid within six months after it has been agreed on, amended as to appraised or awarded, shall not apply to any case where such compensation is paid into court under this Act, except that such payment into court shall be made within the said time; and all the

payment of  
compensation,  
&c.

Proviso.

the foregoing provisions of this Act shall apply to any lands or property taken, or the compensation for which was agreed upon or awarded, before the passing of this Act, but in such last mentioned case the compensation if paid into court shall be so paid within six months after the passing of this Act.

Abandonment  
of proposed  
purchase.

**16.** In case the Commissioner of Public Works has not taken possession of the land or property in respect of which compensation is awarded, he may, within one month after the publication of the award, elect to abandon the proposed purchase, and in that event the Commissioner shall pay to the owner or occupier all costs and charges reasonably incurred by him, in and about the arbitration or other proceedings.

Interpretation  
clause.  
"Convey-  
ance.""Lands" and  
"property."

**17.** The term "conveyance" in the said Act or in this Act includes a "surrender" to the Crown, and any conveyance to the Crown or to the Commissioner of Public Works, or any officer of that Department, in trust for or to the use of the Crown, shall be held to be a surrender: The words "land" and "property" include real rights, easements, servitudes and all other things for which compensation is to be paid by the Crown under the said Acts.

32 Vic., c. 23,  
s. 23, amended.

**18.** Section twenty-three of the said Act respecting the Public Works of Ontario is hereby repealed, and section one of this Act is substituted in lieu thereof.

## CAP. XIX.

An Act to authorize the Inspector of Prisons to examine witnesses on oath.

[Assented to 10th February, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power of In-  
spector in in-  
stituting en-  
quiries into  
institutions  
subject to his  
inspection.

**1.** Where the Inspector of Public Asylums, Hospitals, Common Gaols and Reformatories in the Province appointed under "The Prison and Asylum Inspection Act, 1868," considers it expedient to institute an enquiry into the management of any of the said institutions, or of any other institution subject to be inspected by him, or into any matter in connection therewith, or into the truth of any return made by the officers of any of the said institutions, and considers it expedient that any of the officers of the said institution or any other person should be required to give evidence before him on oath, the Inspector shall have the same power to summon such officers or other persons to attend as witnesses, to enforce their attendance, and to compel them to produce documents and to give evidence, as any Court has in civil cases.

CAP.

## CAP. XX.

An Act to make further provision for the Insane.

[*Assented to 10th February, 1876.]*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1.** The Lieutenant-Governor may, by Order in Council, set apart any portion of the Ontario Hospital for Inebriates to be used for the purposes of an asylum for the Insane; and from the date of such Order the part of the said hospital so set apart and the grounds used in connection therewith, shall be, and shall be deemed to be a public asylum, established for the custody and treatment of insane persons.
- Lieut. Governor in Council may set apart for the Insane a portion of the Inebriate Hospital.

## CAP. XXI.

An Act to amend the Railway Act.

[*Assented to 10th February, 1876.]*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1.** Section ninety-eight of chapter sixty-six of the Consolidated Statutes of Canada, intituled An Act respecting Railways, so far as it relates to matters within the authority of the Legislature of Ontario, is hereby amended by adding thereto after the word "Company" therein the following words:—

"From which action the Company shall not be relieved by any notice, condition, or declaration if the damage arises from any negligence, omission, or misconduct of the Company or of its servants."

- 2.** The said section so amended shall apply to every Railway Company heretofore incorporated, or which may hereafter be incorporated, and which is subject to the jurisdiction of the Legislature of Ontario, and shall be read and taken as part of the Act of incorporation thereof.

CAP.

Con. Stat. Can.  
ch. 66, s. 98,  
amended.

Liability not-  
withstanding  
any notice.

Amendment to  
apply to all  
companies.

## CAP. XXII.

An Act respecting aid to certain Railways, and for other purposes.

[Assented to 10th February, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Railway Companies granted aid out of the Con. Rev. Fund.

**1.** Subject to the conditions of this Act, aid shall be granted out of the Consolidated Revenue Fund to the undermentioned Railway Companies for the construction of the portions of Railway hereinafter mentioned, as follows, that is to say :—

(1.) The Lake Simcoe Junction Railway Company, from Stouffville on the Toronto and Nipissing Railway to Jackson's Point, Lake Simcoe, a distance of about twenty-six and one-half miles, at the rate of two thousand dollars per mile ;

(2.) The Belleville and North Hastings Railway Company, from the point of junction with the Grand Junction Railway, for a distance of twenty-two miles northerly, at the rate of three thousand dollars per mile ;

(3.) The Cobourg, Peterboro' and Marmora Railway Company, for the distance between Harwood and Ashburnham, about thirteen miles, at the rate of two thousand dollars per mile ;

(4.) The Credit Valley Railway Company, for the distance between the Brock Road and Ingersoll, fifty-two and one-half miles, at the rate of two thousand dollars per mile ; and for the distance between Cataract and Elora, twenty-seven and one-half miles, at the rate of two thousand dollars per mile ;

(5.) The Stratford and Lake Huron Railway Company, for the distance between Stratford and Listowel, about twenty-five miles, at the rate of two thousand dollars per mile.

Railway Companies granted increased aid.

**2.** Subject to the conditions of this Act, increased aid shall be granted out of the Consolidated Revenue Fund to the following Railway Companies to ensure the completion of the portions of Railway hereinafter mentioned :—

(1.) The Victoria Railway Company, from the Town of Lindsay to Kinmount, a distance of about thirty-three miles, at the rate of one thousand dollars per mile ;

(2.) The Montreal and City of Ottawa Junction Railway Company, from the boundary line between Ontario and Quebec to or near the City of Ottawa, a distance of about sixty-six miles, at the rate of one thousand dollars per mile ;

(3.) The Midland Railway Company, from Waubashene to Midland Bay, a distance of about thirteen miles, at the rate of one thousand seven hundred and fifty dollars per mile :

(4.) The Grand Junction Railway Company, from the point of present completion near Stirling to Peterborough, a distance of about forty-five miles, at the rate of one thousand dollars per mile;

(5.) The Kingston and Pembroke Railway Company for the distance of about sixteen miles, between Sharbot Lake and the River Mississippi, at the rate of three thousand seven hundred and fifty dollars per mile.

**3.** All of the said grants of aid are respectively subject to the following conditions :—

1. The Lieutenant-Governor in Council may require any railway company so aided to enter into an agreement or agreements with any other railway company or companies containing such terms and details as the Lieutenant-Governor in Council may approve of, in order to secure running powers or rights of user to such company or companies over the line or portion of line of railway of the Company aided under this Act, or under former Acts, in the discretion of the Lieutenant-Governor in Council, for the haulage thereover of the cars and traffic of such other company or companies upon such terms as, in default of agreement between the respective companies, may be settled upon by the Lieutenant-Governor in Council ;

2. No payment shall be made to any of the above named companies in respect of the said grants of aid for any portion of their railway until the Commissioner of Public Works shall have reported to the Lieutenant-Governor in Council that such company has completed such portion of its road in respect of which payment is to be made, including such sidings and station houses as the Commissioner may think necessary for the accommodation of the public, within the period for completing the railway or portion thereof named in the Acts relating to the company;

3. Payment may be made as portions of the railway, not less than twenty continuous miles, are completed, and in cases where the whole distance aided is less, then for such distance ;

4. The increased grants of aid to the Grand Junction Railway Company and Kingston and Pembroke Railway Company respectively are to be paid out of the appropriations heretofore made out of the Railway Aid Fund by Orders in Council in favour of said Companies respectively, so far as the respective amounts may be sufficient, and are payable for portions of the respective Railways not yet completed and which extend beyond the portions for which increased aid is granted under this Act.

4. The Lieutenant-Governor in Council may also grant such Aid to Railways, subsidy or annual payment to any company now or hereafter to be incorporated not in excess of a present payment of eight thousand dollars per mile, in such mode and according to such terms and conditions as will secure the construction of a line of railway extending from a point in the District of Muskoka

Muskoka as far north as Gravenhurst, so as to connect the Ontario system of railways with the proposed line of the Canadian Pacific Railway (Georgian Bay Branch) at some point west of the eastern end of Lake Nipissing; the grant of such bonus, subsidy or annual payment to any company shall be provisional until sanctioned by resolution of the Legislative Assembly, and shall only be upon proper conditions for securing full running powers and other rights of user for other railways, and upon such other conditions for securing the due application of the grant, and the construction of the railway, as the Lieutenant-Governor in Council may require, and no agreement in the premises shall be operative until ratified by resolution of the Legislative Assembly.

Extension of time for completion of Railways aided by this or former Acts.

**5.** For the purpose of this Act the time limited for the completion of Railways or portions of Railway aided under this Act or former Acts or Orders in Council duly ratified, shall be extended to the first day of January, one thousand eight hundred and seventy-eight.

Aid from portions of county municipalities.

**6.** Every Railway Company taking the benefit of any of the provisions of this Act, and having authority under any Act of this Legislature to obtain aid for such Railway by grouping two or more minor municipalities or sections thereof, shall thereafter be subject to the following provisions:—

Grouping of minor municipalities.

**2.** Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof, which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law;

Proceedings on opposing submission of by-law.

**3.** In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway

Arbitrators.

railway company, be submitted by the council to the duly qualified voters; and the expense of the reference shall be borne Costs. by the railway company or the county, as the arbitrators may order;

4. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only ; Rate to be levied only on the part of the municipality granting bonus.

5. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality ; Interpretation of words "minor municipality."

6. Before any such by-law is submitted the railway company shall deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting this by-law ; Deposit by Co. to meet expences.

7. In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality or portions of the county municipality until after the expiration of six months from such rejection ; On rejection of by-law none other to be submitted for six months.

8. The foregoing provisions of this section shall not apply to This section or affect any municipal by-law respecting grouped portions of not retrospective in certain municipalities which has heretofore been duly passed, or is now cases. submitted to the vote of the ratepayers.

7. The certificates issued to any Railway Company in respect of any grant out of the Railway Subsidy Fund may be in the form of Schedule A to this Act, or to the like effect; and when signed by the Treasurer of this Province and the Accountant in his Department, and countersigned by the Auditor, any such certificate shall be valid and binding on the Province, according to its tenor and effect; and it shall not be necessary for any transferee in good faith of such certificate to enquire into, or obtain proof of any facts stated therein, all of which shall be deemed conclusive, as against the Province, in favour of such transferee. Form of certificates.

## SCHEDULE A.

PROVINCE OF ONTARIO.

CANADA.

*Railway Subsidy Fund. Certificate for payment.*

No.	-	\$
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This is to certify that under and by virtue of certain Orders made by the Lieutenant-Governor of the Province of Ontario

Ontario in Council, and dated respectively the  
passed and duly ratified by the Legislative  
Assembly, under the provisions of an Act of the said Province,  
intituled "An Act to make further provision in aid of Rail-  
ways," 35 Vic. c. 24, and of a certain other Act respecting the  
"Railway Fund and the Railway Subsidy Fund," 37 Vic. cap.  
37, the Railway Company is entitled  
to receive from the Province of Ontario a semi-annual subsidy  
of dollars, payable on the thirtieth day of June  
and the thirty-first day of December in each and every year,  
until and inclusive of the thirty-first day of December, one  
thousand eight hundred and ninety-one, and it is hereby fur-  
ther certified that the Province of Ontario will, upon the  
day of one thousand eight  
hundred and and upon the delivery of this certificate  
to the Treasurer of the said Province, at Toronto, pay to the  
said Railway Company or its assigns  
the sum of dollars and cents, being  
the amount of subsidy payable to the said Company upon such  
day. This certificate and any interest in the sum mentioned  
therein shall not pass or be transferable, except by transfer  
made by special endorsement hereon.

Issued by the Treasurer of Ontario, this  
day of A.D. 18 , in accordance with Order in  
Council dated day of A.D. 18 .

*Treasurer.*

### *Accountant.*

Countersigned by

*Auditor.*

CAP. XXIII.

## An Act respecting Insurance Companies.

[Assented to 10th February, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

To what companies this Act does not apply.

- 1.** This Act shall not apply to any company licensed under Act of the Parliament of Canada to transact business of insurance in Canada, nor to any company incorporated by Act of Parliament of Canada, nor to any Mutual Fire Insurance Company which does not receive cash premiums in lieu of premium notes, but acts exclusively on the mutual principle.

**2.** Except such insurance companies as are mentioned in the next preceding section, it shall not be lawful for any insurance company to accept any risk or issue any policy of insurance, or receive any premium or transact any business of insurance in Ontario, or to prosecute or maintain any suit, action or proceeding, either at law or in equity, relating to such business, without first obtaining a license from the Treasurer of Ontario to carry on business in Ontario.

**3.** The license shall be in such form as may be, from time to time, determined by the Treasurer of Ontario, and shall specify the business to be carried on by the company; and shall expire on the thirtieth day of June in each year, but shall be renewable from year to year.

**4.** As soon as the company applying for a license has deposited with the Treasurer of Ontario, the securities hereinafter mentioned, and has otherwise conformed to the requirements of this Act, the Treasurer shall issue the license.

**5.** Before issue or renewal of the License each Life, Fire, Inland Marine Insurance or Guarantee Company, shall deposit the sum of twenty-five thousand dollars at the least, and the further sum of five thousand dollars for every one million of dollars over five million dollars of risks of such company, on the thirty-first day of December in the year next preceding, until the amount becomes fifty thousand dollars, and every Accident Insurance shall deposit the sum of twenty thousand dollars; provided always, that every company incorporated before the commencement of the present session may make such deposit in three equal annual instalments, the first of which shall be made on or before the first day of July, one thousand eight hundred and seventy-six, and that a license may be issued to every such company upon the deposit for the year being duly made: provided that this section shall not apply to companies mentioned in the ninth section of this Act. Of Fire Insurance Companies whose risks do not exceed five million dollars the deposit shall be ten thousand dollars at the least, to be increased by five thousand dollars for every one million dollars over two million dollars of risks of such company.

**6.** Such deposits may be made in securities of the Dominion of Canada, or in securities issued by any of the Provinces of Canada; and the value of such securities shall be estimated at their market value at the time when they are so deposited: if any securities other than those above named are offered as a deposit, they may be accepted, at such valuation and on such conditions as the Treasurer of Ontario may direct; and if the market value of any of the securities which have been deposited by any company shall decline below the value at which they were deposited, the Treasurer may, from time to time, call upon the company to make a further deposit, so that the market

Deposit to be made.

Proviso as to companies incorporated before the present session.

Deposits, in what securities.

If market value declines company to make further deposit.

market value of all the securities deposited by any company shall be equal to the amount which they are required to deposit by this Act.

Deposit for each branch of business.

Proviso : as to combination of certain branches.

Deposits by and licenses to certain Mutual Fire Ins. Companies.

Deposits by other Companies than as above.

Additional obligation of a Life Insurance Company whose deposit is less than \$25,000 to make returns of premiums received and deposit the amount in securities.

**7.** When any company carries on more than one description of insurance business, it shall make a separate deposit as aforesaid, for each branch of its business : Provided that a company combining Life and Accident Insurance or Fire and Inland Marine Insurance shall only be required to make one deposit for each such combination.

**8.** Any Mutual Fire Insurance Company not required to be licensed by the Laws of the Dominion of Canada, doing any business in Ontario, for cash premiums on risks other than from its own members, shall on or before the first day of July in each year, deposit with the Treasurer of Ontario, an amount equal to one-fourth of the net cash premiums received by the company for such business in Ontario during the year ending on the thirty-first day of December next preceding, and shall keep such amount on deposit, subject to increase or reduction yearly on the first day of July, according to the amount of such one-fourth ; and upon such deposit being made and continued, the Treasurer shall issue or renew the license to the company : Provided that any Mutual Fire Insurance Company heretofore authorized by any Statute to transact any business for cash premiums on risks other than for its members may make such deposit in three equal annual instalments, the first not being required to be made until the first day of July, one thousand eight hundred and seventy-seven, and that the license may issue to such company accordingly, or be renewed as the deposit for each year is duly made.

**9.** Whenever and so long as the deposit of any Life Insurance Company, shall be less than twenty-five thousand dollars, the agent of the company shall send in yearly to the Treasurer of Ontario, within one month after the first day of January of each year, a return, under oath, (Schedule A) of the amount of Life Insurance premiums received by the company on risks for the period covered by the annual statement mentioned in Section twenty-five, and after deducting twenty-five per cent. therefrom, and the net amount of losses or claims actually paid, shall invest the same in such of the securities authorized by this Act as his company shall direct, or in default of such direction, as he may think fit, and shall deposit such securities in the hands of the Treasurer of Ontario, for the purposes of this Act and subject to its provisions the balance of such premiums, until the deposit of such company shall be equal to fifty thousand dollars ; and so long as such deposit is under fifty thousand dollars, no interest or dividends shall be paid on the actual deposit, but such interest or dividend shall be added to the principal every half-year until, with the premiums herein-before mentioned, the deposit shall amount to fifty thousand dollars : Provided

Provided that every company which may not have deposited the full amount required under the provisions of the fifth section of this Act, shall be credited in its annual payments on account of such deposit with the amounts deposited under the provisions of this section.

**10.** A company may deposit in the hands of the Treasurer of Ontario any sums of money or securities beyond the sum required; and such further sums of money or securities therefor, shall be dealt with as if the same had been part of the original deposit; and no part of the additional deposit shall be withdrawn except with the sanction of the Lieutenant-Governor.

Company may deposit beyond the amount absolutely required.

As to withdrawal of surplus.

**11.** A company having made a deposit under this Act shall be entitled to withdraw such deposit with the sanction of the Lieutenant-Governor in Council, whenever it is made to appear to the satisfaction of the Lieutenant-Governor in Council that such company is carrying on its business of insurance under license from the Dominion of Canada.

**12.** If from the annual statements, or after examination of the affairs and condition of any company, it appears that the re-insurance value of all its risks outstanding in Ontario, together with any other liabilities in Ontario, exceeds its assets in Ontario, including the deposit in the hands of the Treasurer, then the company shall be called upon by the Treasurer to make good the deficiency at once, and on failure so to do its license shall be cancelled.

**13.** Except in cases with respect to which it may be otherwise provided by the Lieutenant-Governor in Council, so long as any company's deposit is unimpaired and no notice of any final judgment or order to the contrary is served upon the Treasurer of Ontario, the interest upon the securities forming the deposit shall be handed over to the company.

**14.** Before the issue of a license to any company, the company shall file in the Department of the Treasurer of Ontario a certified copy of the Act of Incorporation, or other Instrument of Association of the Company, and also a power of attorney from the company to its head officer or agent, in Ontario, under the seal of the company or resolution, and signed by the President and Secretary or other proper officer thereof, verified by their oath, and further corroborated on oath by the head officer or chief agent of such company, or by some person cognizant of the facts necessary to its verification; which power of attorney must declare at what place in Ontario the head office or chief agency of the company is or is to be established, and must expressly authorise such attorney to receive process in all suits and proceedings against such company in Ontario for any liabilities incurred by the company therein, and must declare that service of process for or in respect of such liabilities at such

As to interest on securities.

Certain documents to be filed before license is granted; what they must show

such office or chief agency, or personally on such attorney at the place where such head office or chief agency is established, shall be legal and binding on the company to all intents and purposes whatsoever; and also a statement of the condition and affairs of such company on the thirty-first day of December then next preceding, or up to the usual balancing day of the company (provided that such day shall not be more than twelve months before the filing of the statement), in such form as may be required by the Treasurer of Ontario;

If changes are made in chief agency, documents to be filed.

2. Whenever any company licensed under this Act changes its chief agent or chief agency in Ontario, such company shall file a power of attorney as hereinbefore mentioned, containing any such change or changes in such respect, and containing a similar declaration as to service of process as hereinbefore mentioned;

Duplicates of such documents to be filed in Court.

3. Duplicates of all such documents duly verified as aforesaid shall be filed at Toronto, in the Process Office of the Superior Courts of Common Law, and in that of the Registrar of the Court of Chancery.

Process and suits.

15. After the certified copies referred to in the last preceding section, and such power of attorney are filed as aforesaid, any process in any suit or proceeding against such company, for any liabilities incurred in Ontario, may be served on the company at its chief agency, and all proceedings may be had thereupon to judgment and execution in the same manner and with the same force and effect as in proceedings in any civil suit in Ontario; Provided that nothing herein contained shall render invalid service in any other mode in which such company may be lawfully served.

Companies to give notice of license,

and of ceasing business.

16. Every company obtaining such license as aforesaid shall forthwith give due notice thereof in the *Ontario Gazette* and in at least one newspaper in the county, city or place where the head office or chief agency is established, and shall continue the publication thereof once each week for the space of four weeks; and the like notice shall be given for the same period when such company ceases, or notifies that it intends to cease to carry on business in Ontario.

Notice by Provincial Treasurer.

17. The Treasurer of Ontario shall cause to be published half-yearly in the *Ontario Gazette* a list of companies licensed under this Act, with the amount of the deposit made by each company; and upon any new company being licensed, or upon the license of any company being withdrawn in the interval between two such half-yearly statements, he shall publish a notice thereof in the *Ontario Gazette* for the space of two weeks.

Penalty for transacting business in contravention of this Act.

18. Any person who delivers any policy of insurance or collects any premium or transacts any business of insurance on behalf of any company as aforesaid, without such company being licensed

licensed under this Act, or if such license has been withdrawn, or without the renewal thereof, or without filing the copy of the Act of Incorporation, or other Instrument of Association of the Company, and the power of attorney or any renewal thereof in the event of any change as hereinbefore provided, shall be liable to a penalty of two hundred dollars for each such How enforced and applied. contravention of this Act,—which penalty may be sued for and recovered on information filed in the name of the Attorney-General of Ontario; and one half of the said penalty, when recovered shall be paid to the Crown, and the other half of the said penalty to the informer: and in case of non-payment of such penalty and costs within one month after judgment, the person so offending shall be liable to imprisonment in any jail or prison for a period not exceeding three months, in the discretion of the court wherein he is convicted.

**19.** Whenever any company fails to make the deposits, under Licenses this Act at the time required, or whenever written notice has forfeited by been served on the Treasurer of Ontario of any undisputed failure to deposit, claim arising from loss insured against in Ontario remaining unpaid for the space of sixty days after being due, or of a disputed claim after final judgment in a regular course of law and tender of a legal valid discharge being unpaid, so that the amount of securities representing the deposit of such company is liable to be reduced by sale of any portion thereof, the license of the said company shall *ipso facto* be null and void, and shall be deemed to be withdrawn; but such license may in the two last mentioned cases be renewed, and the company may again transact business, if within sixty days after notice to the Treasurer of Ontario of the company's failure to pay any undisputed claim, or the amount of any final judgment as provided in this section, such undisputed claims or final judgments upon or against the company in Ontario are paid and satisfied, and the company's deposit is no longer liable to be reduced below the amount required by this Act. Renewal on certain conditions.

**20.** Any company shall be liable to have its deposits in the hands of the Treasurer of Ontario administered in manner hereinafter mentioned upon the failure of such company to pay any undisputed claim arising or loss insured against, in Ontario, upon any policy held in Ontario, for the space of sixty days after being due, or, if disputed, after final judgment and tender of a legal valid discharge, and (in either case) after notice thereof to the Treasurer of Ontario. In case of such administration all deposits of such company held by the Treasurer of Ontario shall be applied *pro rata* towards the payment of all claims duly authenticated against such company, as well as in respect of unearned premiums upon or in respect of policies issued to policy holders in Ontario, and the distribution of the proceeds of such deposit may be made by order of the Court of Chancery; Provided that in any case when a claim for loss is by the terms of the policy payable on proof delay was given for

Provision for application of deposits in such case.

Proviso, if of given for

payment of  
any loss.

of such loss, without any stipulated delay, the notice to the Treasurer of Ontario under this section shall not be given until after the lapse of sixty days from the time when the claim becomes due.

Appointment  
of Receiver;  
his duty.

Proceedings  
in case of  
administra-  
tion.

What may be  
claimed by  
parties in-  
sured in  
Ontario.

Sale of securi-  
ties deposited.

If further loss  
occurs and  
deposits do  
not cover  
claims.

Court may  
confer upon  
Receiver the  
powers of a  
Master.

Duty of com-  
pany ceasing  
business.

**21.** Upon granting an order for administration as aforesaid, the court shall appoint a receiver who may be an officer of the court, who shall forthwith call upon the company to furnish a statement of all its outstanding policies in Ontario, and upon all such policy holders to file their claims ; and upon the filing of the claims before the receiver, the parties interested shall have the right of contestation thereof, and the right of appeal from the decision of the receiver to the court as aforesaid, according to the practice of the court ; and in case of any such administration the parties insured in Ontario shall be entitled to claim for a part of the premiums paid proportionate to the unexpired period of their policies respectively, and such return premium shall rank with judgments obtained and claims accrued, in the distribution of the assets ; and upon the completion of the schedule to be prepared by the receiver of all judgments against the company upon such policies held in Ontario, and of all claims for re-insurance or for surrender of policies the court shall cause the securities held by the Treasurer of Ontario for such company, or any part of them, to be sold in such manner and after such notice and formalities as the court may appoint ; and the proceeds thereof, after paying expenses incurred, shall be distributed *pro rata* amongst the claimants according to such schedule and the balance, if any, shall be surrendered to the company : But, if any loss is sustained or any claim arises after the statement of such outstanding policies has been obtained from the company, as hereinbefore provided, and before the final order of the court for the distribution of the proceeds of the securities, or if the proceeds of the securities are not sufficient to cover in full all claims recorded in the schedule, such policy-holders shall not be barred from any recourse they may have either in law or equity against the company issuing the policy in respect of such deficiency;

**22.** The court by the order appointing a receiver, or by any subsequent order, may authorize the receiver to exercise in respect of the accounts of the company all or any of the powers which the Master of the Court would have if he were taking an account of the claims against the said deposit, and every receiver so authorized shall possess the said powers as well as the powers usually enjoyed by a receiver appointed under an order of the said court.

**22.** When any company has ceased to transact business in Ontario, and has given written notice to that effect to the Treasurer of Ontario, it must insure, on behalf of its Ontario policy holders, all their outstanding risks, in some company or companies licensed to do business in Ontario, or obtain the surrender of the policies, and its securities shall not be delivered to

to the company until the same is done to the satisfaction of the Treasurer.

**23.** Upon making application for its securities, the company must file with the Treasurer of Ontario a list of all Ontario policy holders who have not been so re-insured or have not surrendered their policies ; and it must at the same time publish in the *Ontario Gazette* a notice that it has applied to Government for the release of its securities on a certain day, not less than three months after the date of the notice, and calling upon its Ontario policy holders opposing such release to file their opposition with the Treasurer of Ontario on or before the day so named ; and after that day, if the Treasurer of Ontario is satisfied that the company has ample assets to meet its liabilities to Ontario policy holders, all the securities may be released to it by an Order of the Lieutenant-Governor in Council, or a sufficient amount of them may be retained to cover the value of all risks respecting which opposition has been filed ; and the remainder may be released, and thereafter from time to time as such opposing risks may lapse, or proof may be adduced that they have been satisfied, further releases may be made on the authority aforesaid.

Conditions on  
which deposits  
may be  
released.

**24.** After a company has ceased to transact business in Ontario after the notice hereby required, and its license has in consequence been withdrawn, such company shall nevertheless pay the losses arising upon policies not re-insured or surrendered, as if such license had not been withdrawn.

Company  
ceasing busi-  
ness in certain  
cases may pay  
losses.

**25.** It shall be the duty of the President, Vice-President, OR Yearly state-  
Managing Director, and Secretary or Manager of every company, ment to  
incorporated for purposes of transacting business of insurance in Ontario, to prepare annually under their oath, on the first day of January, or within one month thereafter, a statement of the condition and affairs of such company on the thirty-first day of December then next preceding, exhibiting the facts and items in the form given in the schedule B appended to this Act ; and to cause such statement to be deposited in the office of the Treasurer of Ontario ; such statement to be accompanied by a declaration to the effect shown in this said schedule sworn to before some person duly authorized to administer oaths in any legal proceeding, and every such person is hereby authorized to administer any oath required under this Act ;

Treasurer of  
Ontario, what  
it must show,  
and how it  
must be  
verified.

**2.** The Treasurer of Ontario may, from time to time, make such changes in the form of the statements, as shall seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore enumerated : and also to make the statement applicable to so much of the business of Mutual Fire Insurance Companies as is transacted on the cash premium principle.

Form of  
statement  
may be  
changed by  
Provincial  
Treasurer.

Penalty for contravention of above section.

**26.** Any violation of the next preceding section, shall subject the company violating the same to a penalty of two hundred dollars for each violation, and of the additional sum of one hundred dollars for each month during which any such company shall neglect to make such publication or to file such affidavits and statements as are therein required: If such penalties are not paid, the Lieutenant-Governor in Council may order such company's license to be suspended or cancelled, as may be deemed expedient.

Statements under 36 V. c. 44, to be filed with Provincial Treasurer.

**27.** All statements which under the provisions of the Act of this Province passed in the thirty-sixth year of Her Majesty's reign, and intituled "An Act to consolidate and amend the Laws having reference to Mutual Fire Insurance Companies in the Province of Ontario," are required to be filed in the office of the Secretary and Registrar, shall instead thereof be filed in the Department of the Treasurer of Ontario.

Provincial Treasurer may examine and report to Lieutenant-Governor as to insurance, &c.

**28.** For the efficient administration of insurance business in this Province and to enforce strictly the provisions of this Act, with the necessary details resulting therefrom, the Treasurer of Ontario may through any officer in his department, examine and report to the Lieutenant-Governor, from time to time, upon all matters connected with Insurance, as carried on by the several companies licensed to do business in Ontario, or required by this Act to make returns of their affairs; and may also examine into and report to the Lieutenant-Governor upon the affairs and transactions of any Mutual Fire Insurance Company doing business in Ontario, and to which any provision of this Act, or of the Act recited in the next preceding section, shall apply.

Certain records to be kept in the Treasury.

**29.** A record shall be kept in the Treasury Department of the several documents required to be filed by each company under the fourteenth section of this Act, and under the heading of each company shall be entered the securities deposited on its account with the Treasurer of Ontario,—naming in detail the several securities, their par value, and value at which they are received as deposit; and before the issue of any new license, or the renewal of any license to any company, the requirements of the law shall be complied with by such company, and the statement of its affairs shall show that it is in a condition to meet its liabilities; and a record of the licenses as they are issued or renewed shall be kept in the Treasury Department.

Terms whereon license may be renewed.

The Treasurer may examine the affairs of each company and report.

Report of Provincial

**30.** The Treasurer of Ontario may, through an officer or clerk of his Department, visit the head office of each company in Ontario at any time, and may examine the condition and affairs of each company, and may report thereon to the Lieutenant-Governor in Council: the Treasurer from the yearly statements required to be made by each company shall prepare an annual report

report, shewing the results of each company's business, together with an analysis of each branch of insurance, with each company's name, classified from the statements made by each company; and the Treasurer shall lay such annual report before the Legislative Assembly at each annual session thereof.

**31.** If after an examination into the condition and affairs and business of any company licensed under this Act, from the annual or other statements furnished by such company to the Treasurer of Ontario, or for any other cause the said Treasurer deems it necessary and expedient to make a further examination into the affairs of such company, and so reports to the Lieutenant-Governor in Council, the Lieutenant-Governor may appoint one or more qualified persons, at the expense of the company, to visit the office of such company, to thoroughly inspect and examine into all its affairs, and to make all such further inquiries as are necessary to ascertain its condition and ability to meet its engagements; and it shall be the duty of the officers or agents of such company to cause their books to be open for the inspection of the person or persons so appointed, and otherwise to facilitate such examination so far as it may be in their power; and for that purpose the said person or persons so appointed shall have power to examine under oath such officers or agents of the company: and whenever it shall appear to the Lieutenant-Governor in Council from such examination that the assets and financial position of such company are such as not to justify the continuance in business of any such company, the Attorney-General may apply in a summary manner on motion to one of the Superior Courts of Law or Equity for an order requiring such company to show cause why the business of the company should not be closed, and the Court shall therefore proceed to hear the said parties, and in case it shall appear to the said Court that the assets and funds of the company are not sufficient as aforesaid, the Court shall decree a dissolution of the company, and may appoint a receiver and take possession of the assets and effects of the company, and wind up and administer the affairs thereof.

**32.** If it further appear to the Treasurer of Ontario, after full consideration of the affairs of any company, and a reasonable time being given to the company to be heard by him, after such further inquiry and investigation (if any) as he may see proper to make, that the assets of the company are insufficient to justify its continuance of business, and he so reports to the Lieutenant-Governor in Council, then, if the Lieutenant-Governor in Council also concur in such opinion, an Order in Council may issue suspending or cancelling the license of such company, which shall then, during such suspension or cancellation, be held to be unlicensed; and after the notification of the suspension or cancelling of such license in the *Ontario Gazette*, any person delivering any policy of insurance, or collecting any premium, or transacting any business of insurance,

If the company appear unsafe  
Lieutenant-Governor may cancel license.

Penalty for  
doing business  
after suspen-  
sion of license  
and notice  
thereof.  
on

Compulsory  
proceedings to  
the Court to  
wind up on  
unfavourable  
report.

Treasurer to  
lay before the  
Legislative  
Assembly.

on behalf of such company, shall be liable to the penalties provided for by the twenty-sixth section of this Act.

Fees to be  
collected by  
Superintend-  
ent.

**33.** Each company shall pay to the Treasurer of Ontario the following fees:

For recording and filing in his office the several documents required of each company, under the fourteenth section of this Act .....	\$10 00
For change of attorney under the said section.....	5 00
For license to do business, except as to companies mentioned in section eight, for which the fee shall be \$50 00 .....	100 00
For every renewal of such license, except as to companies mentioned in section eight, for which the fee shall be \$25 00 .....	50 00
For filing annual statements of each company .....	5 00

Time for  
coming into  
force of the  
Act.

**34.** This Act shall not go into force until the first day of July, one thousand eight hundred and seventy-six except so far as may be necessary to enable the Treasurer of Ontario to receive deposits and issue licenses which he may do at any time after the passing thereof.

**Short title.**

**35.** This Act may be cited as "The Ontario Insurance Act of 1876."

SCHEDULE A.

Net amount of losses or claims actually paid, \$

*Form of declaration to accompany the statement.*

Province of Ontario, } I,  
County of . } Chief Agent in Ontario (*name of Company*), make oath and say:

That the foregoing statement truly shows the amount of premiums received by the said Company during the year above designated on risks effected in Ontario, less twenty-five per cent. thereof, and also truly shows the net amount of losses

or claims actually paid by the said Company during the said period.

Sworn before me at the  
in the County of , this  
day of , A.D. 187 }

## SCHEDULE B.

### DETAILS OF ANNUAL STATEMENTS REQUIRED.

A list of the stockholders with the amount subscribed for, the amount paid thereon, and the residence of each stockholder.

*The property or assets held by the Company, specifying,—*

1. The value (as nearly as may be) of the real estate held by such company;
2. The amount of cash on hand and deposited in banks to the credit of the company,—specifying in what banks the same are deposited, with amounts separately;
3. The amount of cash in the hands of agents;
4. The amount of loans secured by bonds and mortgages constituting either a first or second lien on real estate in separate schedules;
5. The amount of loans on which interest has not been paid within one year previous to such statement, with a schedule thereof;
6. The amounts due the company for which judgments have been obtained;
7. The amount of Canadian or other stocks owned by the company, specifying in detail the amount, number of shares, and par and market value of each kind of stocks owned by the company absolutely;
8. The amount of stocks held as collateral security for loans, with the amount loaned on each kind of stock, its par and market value;
9. The amount of assessments on stock and premium notes paid and unpaid;
10. The amount of interest actually due and unpaid; also the amount of interest accrued and unpaid; 11.

11. The amount of premium notes on hand on which policies are issued with amount paid thereon; also bills receivable held by the company and considered good, the amounts of each class separately, and the amounts on each class overdue;

12. The amount of all other property belonging to the company, with a detail thereof.

*The Liabilities of the Company specifying,—*

1. The amount of losses due and yet unpaid;

2. Amount of losses adjusted, but not due;

3. Amount of losses incurred during the year, including those claimed, not yet adjusted, and of those reported to the company upon which no action has been taken,—the amounts of each class separately, carrying out the totals in one sum;

4. Amount of claims for losses resisted by the company, distinguishing those in suit;

5. Amount of dividends declared and due, and remaining unpaid;

6. Amount of dividends declared, but not yet due;

7. Amount of money borrowed, and security given for payment thereof,—stating each loan separately, and the interest paid therefor;

8. The amount of unearned premiums, stating each description of business separately;

9. Amount of all other claims against the company, with a detailed statement thereof;

10. Aggregate amount of all unpaid losses, claims and liabilities whatsoever, except capital stock.

*Income of the Company specifying,—*

1. Amount of cash premiums received, less re-insurance;

2. Amount of notes received for premiums less re-insurance;

3. Amount of interest money received;

4. Amount of income received from all other sources.

*Expenditure of the Company, specifying,—*

1. Amount paid for losses which occurred prior to the current year or to date of last statement, deducting savings and salvage, which losses were estimated in the last statement at \$ ;

Amount paid for losses which occurred during the year deducting savings and salvage ;

Total amount actually paid during the year for losses in each branch, in separate columns ;

2. Amount and rate of dividends paid during the year ;

3. Amount of expenses paid during the year, including commissions and fees to agents and officers of the company ;

4. Amount of all other payments and expenditures, with details thereof.

*Miscellaneous,—*

1. Gross amount of risks taken during the year, original and renewal, in each branch of the company's business separately,— deducting amount of re-insurance effected thereon in each branch separately ;

2. And amount of risks in force at end of the year in each branch of the company's business, deducting re-insurance ; and shewing at foot, in separate columns, the net amount of risks then in force.

*Form of Declaration to accompany the Statement.*

Province of Ontario, } We  
County of      }

President, and  
Secretary of

Company severally make oath and say, and each for himself says, that we are the above described officers of the said company, and that on the                    day of                    last all the above described assets were the absolute property of the said company, free and clear from any liens or claims thereon, except as above stated, and that the foregoing statement, with the schedules and explanations hereunto annexed and by us subscribed, are a full and correct exhibit of all the liabilities, and of the income and expenditure, and of the general condition and affairs of the said company, on the said day of                    last, and for the year ending on that day according to the best of our information, knowledge and belief respectively.

*Signatures.*

Sworn before me, at the  
in the County of                    , this  
day of                    A.D. 187      }

H

CAP.

## CAP. XXIV.

## An Act to secure Uniform Conditions in Policies of Fire Insurance.

[Assented to 10th February, 1876.]

## Preamble.

**W**HEREAS under the provisions of an Act passed in the thirty-eighth year of the reign of Her Majesty, intituled "An Act to amend the laws relating to Fire Insurances," the Lieutenant-Governor issued a commission to certain commissioners therein named requiring them to consider and report what conditions are just and reasonable conditions to be inserted in fire insurance policies on real or personal property in this Province: And whereas a majority of the said commissioners have, in pursuance of the requirements of the said Act, settled and approved of the conditions set forth in the Schedule to this Act; and it is advisable that the same should be expressly adopted by the Legislature as the statutory conditions to be contained in policies of fire insurance entered into or in force in this Province:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Statutory conditions to be as against the insurers, be deemed to be part of every policy of fire insurance hereafter entered into or renewed or otherwise varied conspicuously. 1. The conditions set forth in the Schedule to this Act, shall, in force in Ontario with respect to any property therein, and shall be printed on every such policy with the heading "Statutory Conditions;" and if a company (or other insurer,) desire to vary the said conditions, or to omit any of them or to add new conditions, there shall be added in conspicuous type, and in ink of different colour, words to the following effect:—

## VARIATIONS IN CONDITIONS.

Variations to be reasonable. "This policy is issued on the above statutory conditions, with the following variations and additions:

"These variations (*or as the case may be*) are, by virtue of the Ontario Statute in that behalf, in force so far as, by the court or judge before whom a question is tried relating thereto, they shall be held to be just and reasonable to be exacted by the company."

Variations not binding unless clearly indicated.

2. Unless the same is distinctly indicated and set forth in the manner or to the effect aforesaid, no such variation, addition or omission shall be legal and binding on the insured; and no question shall be considered as to whether any such variation, addition or omission is, under the circumstances, just and reasonable, and on the contrary, the policy shall, as against the insurers, be

be subject to the statutory conditions only, unless the variations, additions or omissions are distinctly indicated and set forth in the manner or to the effect aforesaid.

**3.** A decision of a court or judge under this Act shall be Appeal, subject to review or appeal to the same extent as a decision by such court or judge in other cases.

**4.** This Act shall take effect on the first day of July next, When the Act and may be cited as "The Fire Insurance Policy Act, 1876." to take effect.

## SCHEDULE.

### STATUTORY CONDITIONS.

**1.** If any person or persons shall insure his, her or their buildings or goods, and shall cause the same to be described otherwise than as they really are, to the prejudice of the Company, or shall misrepresent or omit to communicate any circumstance which is material to be made known to the Company, in order to enable them to judge of the risk they undertake, such insurance shall be of no force in respect to the property in regard to which the misrepresentation or omission is made. Misrepresenta-  
tion or omis-  
sion.

**2.** After application for insurance, it shall be deemed that Policy sent to any Policy sent to the assured is intended to be in accordance with the terms of the application, unless the Company shall, in writing, point out the particulars wherein the Policy differs from the application. be deemed as applied for un-  
less variance pointed out.

**3.** Any change material to the risk, and within the control or knowledge of the assured, shall avoid the Policy as to the part affected thereby, unless the change be promptly notified in writing to the Company or its local agent; and the Company when so notified may return the premium for the unexpired period and cancel the Policy, or may demand in writing an additional premium; which the insured shall, if he desire the continuance of the Policy, forthwith pay to the Company; and if he neglect to make such payment forthwith after receiving such demand, the Policy shall be no longer in force. When a change as to risk shall avoid a policy. Notice of change, &c.

**4.** If the property insured is assigned without a written permission endorsed thereon by an agent of the Company duly authorised for such purpose, the Policy shall thereby become void; but this condition does not apply to change of title by succession, or by the operation of law, or by reason of death. Change of pro-  
perty.

**5.** Where property insured is only partially damaged, no abandonment of the same will be allowed unless by consent of the Company or its agent; and in case of the removal of property Partial dam-  
ages—salvage

property to escape conflagration, the Company will ratably contribute to the loss and expenses attending such act of salvage.

**Money securities &c.,** 6. Money, books of account, securities for money, and evidences of debt or title are not insured.

**Plate, paintings, clocks &c.** 7. Plate, plated-ware, jewellery, medals, paintings, sculptures, curiosities, scientific and musical instruments, bullion, works of art, articles of vertu, frescoes, clocks, watches, trinkets, plate glass, and mirrors, are not insured unless mentioned in the Policy.

**Prior or subsequent insurance.** 8. The Company is not liable for loss if there is any prior insurance in any other Company, unless the Company's assent thereto appears therein or is endorsed thereon, nor if any subsequent insurance is effected in any other Company, unless and until the Company assent thereto by writing signed by a duly authorised Agent.

**Case of assent to other insurance.** 9. In the event of any other insurance on the property herein described, having been assented to as aforesaid, then this Company shall, if such other insurance remain in force, on the happening of any loss or damage, only be liable for the payment of a ratable proportion of such loss or damage without reference to the dates of the different policies.

10. The Company is not liable for the losses following, that is to say :

**Liability in cases of non-ownership.** (a) The Company is not liable for loss of property owned by any other party than the assured, unless the interest of the assured is stated in or upon the Policy ;

**Riot, invasion, &c.** (b) The Company is not liable for loss caused by invasion, insurrection, riot, civil commotion, military or usurped power ;

**Explosion.** (c) The Company will make good loss caused by the explosion of coal gas in a building not forming part of gas works, and loss by fire caused by any other explosion or by lightning;

**Lightning.** (d) Where the insurance is upon buildings the Company is not liable for loss caused by the want of good and substantial brick or stone chimneys; or by ashes or embers being deposited, with the knowledge and consent of the insured, in wooden vessels; or by stoves or stove-pipes being, to the knowledge of the assured, in unsafe condition or improperly secured;

**Chimneys, ashes, stoves.** (e) The Company is not liable for loss or damage to goods destroyed or damaged while undergoing any process in or by which the application of fire heat is necessary;

**Goods to which fire heat is being applied.** (f) The Company is not liable for loss or damage occurring to

to buildings or their contents while the buildings are being repaired by carpenters, joiners, plasterers or other workmen and in consequence thereof, unless permission to execute such repairs had been previously granted in writing signed by a duly authorised agent of the Company : But in dwelling-houses fifteen days are allowed in each year for incidental repairs, without such permission ;

(g) The Company is not liable for loss or damage occurring Gunpowder,  
while petroleum, rock, earth or coal oil, camphine, burning coal oil, &c.  
fluid, benzine, naptha or any liquid products thereof, or any of  
their constituent parts (refined coal oil for lighting purposes  
only, not exceeding five gallons in quantity, excepted), or more  
than twenty-five pounds weight of gunpowder are stored or  
kept in the building insured, or containing the property in-  
sured; unless permission is given in writing by the Company.

11. Proof of loss must be made by the assured, although the Proof of loss  
loss be payable to a third party.

12. Any person entitled to make a claim under this policy Directions to  
is to observe the following directions: be observed on  
making claim.

(a.) He is forthwith after loss to give notice in writing to the Company;

(b.) He is to deliver, as soon afterwards as practicable, as par-  
ticular an account of the loss as the nature of the case  
permits;

(c.) He is to furnish therewith a statutory declaration de-  
claring, (a) that the said account is just and true ; (b) when and  
how the fire originated, so far as the declarant knows or believes ;  
(c) that the fire was not caused through his wilful act or neglect,  
procurement, means or contrivance ; and (d) the amount of other  
insurances ;

(d.) He is in support of his claim, if required and if practi-  
cable, to produce books of account, and furnish invoices and  
other vouchers ; to furnish copies of the written portion of all  
policies ; and to exhibit for examination all that remains of the  
property which was covered by the Policy ;

(e.) He is to produce, if required, a certificate under the hand  
of a magistrate, notary public, or clergyman residing in the  
vicinity in which the fire happened, and not concerned in the  
loss or related to the assured or sufferers, stating that he has  
examined the circumstances attending the fire, loss or damage  
alleged, that he is acquainted with the character and circum-  
stances of the assured or claimant, and that he verily believes  
that the insured has by misfortune and without fraud or evil  
practice sustained loss and damage on the subject assured, to the  
amount certified.

**Proof of loss may be made by agent.** 13. The above proofs of loss may be made by the agent of the assured, in case of the absence or inability of the assured himself to make the same, such absence or inability being satisfactorily accounted for.

**False oath or fraud vitiates claim.** 14. All fraud or false swearing in relation to any of the above particulars shall vitiate the claim.

**Arbitration in case of differences.** 15. If any difference shall arise as to the value of the property insured, of the property saved, or amount of the loss, such value and amount, and the proportion thereof (if any) to be paid by the Company shall, whether the right to recover on the Policy be disputed or not, and independently of all other questions, be submitted to the arbitration of some person to be chosen by both parties, or if they cannot agree on one person, then to two persons one to be chosen by the party insured and the other by the Company, and a third to be appointed by the persons so chosen; and such reference shall be subject to the provisions of the Common Law Procedure Act; and the award shall, if the Company in other respects be liable, be conclusive as to the amount of the loss and proportion to be paid by the Company.

**Loss due 30 days after proof.** 16. The loss shall not be payable until thirty days after completion of the proofs of loss, unless otherwise provided by statute or the agreement of the parties.

**Co. may reinstate, instead of paying.** 17. The Company instead of making payment, may repair, rebuild or replace, within a reasonable time, the property damaged or lost, giving notice of their intention within fifteen days after receipt of the proofs herein required.

**Termination of policy on notice and repayment of proportions of premiums.** 18. The insurance may be terminated by the Company at any time, by giving ten days' notice to that effect, and by repaying a ratable proportion of the premium for the unexpired term, and the Policy shall cease after the expiration of ten days from the receipt of such notice and repayment.

**Waiver of condition.** 19. No condition of the Policy, either in whole or in part, shall be deemed to have been waived by the Company, unless the waiver is clearly expressed in writing, signed by an Agent of the Company.

**Officers assuming to agree in writing.** 20. Any officer or agent of the Company, who assumes on behalf of the Company to enter into any written agreement relating to any matter connected with the insurance, shall be deemed *prima facie* to be the Agent of the Company for the purpose.

**Suits to be brought within one year.** 21. Every suit, action or proceeding against the Company for the recovery of any claim under or by virtue of this Policy, shall be absolutely barred, unless commenced within the term of one year next after the loss or damage shall occur.

## CAP. XXV.

## An Act to amend the Registry Acts.

[Assented to 10th February, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

**1.** Section nineteen of the Act passed in the thirty-first year 31 V. c. 20, s. of the reign of Her Majesty Queen Victoria and chaptered <sup>19, amended.</sup> twenty, intituled "An Act respecting Registrars, Registry Offices and the Registration of Instruments, relating to lands in Ontario," is hereby repealed, and the following section shall be substituted in its stead.

"**19.** The Registrar or his Deputy shall for the discharge of all duties belonging to the said office, attend at his office from the hour of ten in the forenoon, until four in the afternoon, every day in the year except Sunday, New Year's day, Good Friday, the Queen's Birthday, Christmas day, and every day by Proclamation of the Lieutenant-Governor appointed to be held as a general fast day or holiday in Ontario ; and no instrument shall be registered by him on any such days, nor shall any instrument be received for registration by him on any day except within the hours above named."

**2.** Section thirty-five of said Act is hereby amended by inserting therein, after the words "with the will annexed," the words "or an exemplification thereof." <sup>Sec. 35, amended.</sup>

**3.** Sub-section one of section forty-one of said Act is hereby amended by adding thereto the following words, "or before any Justice of the Peace for the county in which such affidavit may be sworn." <sup>Sec. 41 sub-s. 1 amended.</sup>

**4.** Section seventy-seven of said Act is hereby amended by inserting in the seventh line thereof, after the words "the same," the words "or his assigns." <sup>Sec. 77 amended.</sup>

**5.** Form F in the Appendix to said Act, and referred to in the forty-fifth section thereof, is hereby amended by striking out the words therein, "Signed in the presence of A.B., clerk of the county court of the county of \_\_\_\_\_, " "Seal of office," and it shall not be necessary that the said certificate shall be witnessed by the clerk of the county court or any other person, or that the seal of the said court shall be attached thereto. <sup>Form F. re er- red to in sec. 45 amended.</sup>

Registry by  
registrar's  
certified copy.

**6.** Where it is desired to register an instrument other than a will in more than one registry office, the same may be registered in like manner as is provided as to powers of attorney by sections forty-seven and forty-eight of the said Act.

## CAP. XXVI.

### An Act to amend the Law respecting the sale of Fermented or Spirituous Liquors.

[Assented to 10th February, 1876.]

**Preamble.**

WHEREAS it is expedient to amend the Act passed\* in the thirty-seventh year of Her Majesty's reign, intituled " An Act to amend and consolidate the law for the sale of Fermented or Spirituous Liquors : "

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Board of License Commissioners.**

**1.** All powers and duties conferred and imposed upon the commissioners of police and municipal councils respectively, by virtue of the said recited Act, shall hereafter exclusively belong to and be exercised and performed by a board of license commissioners, except where express provision is otherwise made in this Act ; and such board shall be composed of three persons to be appointed from time to time by the Lieutenant-Governor in Council for each city, county, union of counties, or electoral riding or division as the Lieutenant-Governor in Council may think fit ; and each of the commissioners shall cease to hold office on the thirty-first day of December in each year, but he may be reappointed ; and the said office shall be honorary and without any remuneration.

**Limitation of licenses.**

**2.** The number of tavern licenses to be granted in the respective municipalities shall not in each year be in excess of the following limitations : in cities, towns and incorporated villages respectively, according to the following scale, that is to say, one for each full two hundred and fifty of the first one thousand of the population, and one for each full four hundred over one thousand of the population : but in no case shall this limit authorise any increase in any municipality in excess of the number of licenses therein issued for the year ending the first day of March next, unless from the future increase of the population the license commissioners shall think a larger number has become necessary, but not in any case exceeding the limit imposed by this Act ;

(2.) And for the license year ending on the thirtieth day of April, one thousand eight hundred and seventy-seven, in cities the

the reduction need not be more than one-fourth of the number now under license for the year ending the first day of March next ;

(3.) The council of every city, town, village or township municipality may, by by-law to be passed before the first day of March in any year, limit the number of tavern licenses to be issued therein for the then ensuing year, or for any future year until such by-law is altered or repealed : Provided such limit is under the limit imposed by this Act : The council shall cause a certified copy of such by-law to be sent immediately after the passing thereof to the license commissioners ;

*Copy of by-law limiting to be sent to Commis-sioners.*

(4.) In incorporated villages, being county towns, the limit may be five in number, and in the Town of Clifton three hotels, near the Falls of Niagara, which may be licensed, may be excluded from the number which would otherwise be the maximum limit under this Act.

**3.** The number of the population which is to determine the number of licenses under this Act shall be according to the then last preceding census taken under the authority of the Dominion of Canada, except where the commissioners shall be of opinion that owing to a large increase of population since such census, an increased number of licensed taverns is needed for the convenience and accommodation of travellers ; and in that case, if the commissioners so certify, and the council of the municipality memorialize the Lieutenant-Governor for such increase, the Lieutenant-Governor in Council may authorise a new census to be taken under the authority of a by-law of the municipality and at the expense of the municipality, and the limit for the number of licenses shall then be, one for each full two hundred and fifty of the population under one thousand, and one for each five hundred over one thousand of the population ;

*Manner of de-termining the population with a view to the number of licenses.*

(2.) In case of the alteration or formation of any municipality subsequent to such census of the Dominion of Canada, the population of such municipality for the purposes of this Act, may be ascertained by the said commissioners by reference to the enumeration on which such census took place, or by a new census taken under the provisions of this section ;

(3.) Where, since the said Dominion census, a census has been taken in any Municipality under the authority of the council having jurisdiction, the limit may be the same as in the case of a census taken under this section for the purposes of this Act.

**4.** The license commissioners may by resolution regulate and determine the several matters provided for in the ninth section of the said recited Act, at any time before the first day of May in each year, but where special grounds are shown, may issue one or more licenses (within the authorised limit) after such day.

*Powers of the Commissioners, under s. 37 V. c. 32, s. 9.*

**5.** In addition to the accommodation required by the said recited Act, each tavern or house of entertainment, shall be accommodated with a sufficient number of beds, and the same shall be shown,

*Accommoda-tion of taverns.*

shown, to the satisfaction of the license commissioners, to be a well-appointed and sufficient eating house, with the appliances requisite for daily serving meals to travellers; and these requirements shall apply to all taverns or houses of entertainments, without any exception whatever, and continuously, for the whole period of the license.

**City or town council may prescribe requirements for tavern.**

**6.** The council of any city or town may, by by-law to be passed before the first day of March in any year, prescribe any requirements in addition to those under the said recited Act or this Act, as to accommodation to be possessed by taverns or houses of entertainment, as the council shall see fit; and the license commissioners upon receiving a copy of such by-law shall be bound to observe the provisions thereof; and such by-law shall continue in full force for such year and any future year until repealed.

**Security to be given by tavern licensee.**

**7.** Before any tavern license shall be granted, the person applying for the same shall enter into a bond to Her Majesty in the sum of two hundred dollars, with two good and sufficient sureties, to be approved of by the inspector, in the sum of one hundred dollars each, conditioned for the payment of all fines and penalties such person may be condemned to pay for any offence against any Act, by-law or provision in the nature of law, relative to taverns or houses of public entertainment then and thereafter to be in force, and to do, perform and observe all the requirements thereof, and to conform to all by-laws and regulations that may be established by competent authority in such behalf, and such bond shall be in the form expressed in Schedule A to this Act; and when executed shall be filed in the office of the inspector of licenses, to be by him transmitted to the office of the Provincial Treasurer.

**Inspector of licenses, his appointment, powers and duty and security.**

**8.** The inspector of licenses under the said recited Act shall be appointed by the Lieutenant-Governor in Council from time to time for each city, county, union of counties, electoral riding or division as the Lieutenant-Governor in Council may think fit; and such inspector shall possess all the powers and perform all the duties of the inspector for each township, town, incorporated village or city, under the provisions of the said recited Act, and each inspector so to be appointed by the Lieutenant-Governor in Council, shall also be and discharge the duties of issuer of licenses; and each inspector shall, before entering upon his duties, give such security as the Treasurer of the Province may require for the due performance of his said duties, and for the payment over of all sums of money received by him according to the provisions of this Act; and the salary of such inspector shall be fixed by the Order in Council under which he is appointed.

**Report of Inspector under 37 V. c. 32, s. 13.**

**9.** The report of the inspector, under the thirteenth section of the said recited Act, shall further state that the applicant is

is known to the inspector to be of good character and repute.

**10.** A shop license shall only be granted to such person as <sup>Shop licenses,</sup> shall have filed his application with the inspector on or <sup>to whom given.</sup> before the first day of April in each year, and who shall have been reported by the inspector to the license commissioners to be a person of good character, and that his shop and premises are suitable for carrying on a reputable business, and who shall execute with sureties the bond in the form expressed in Schedule B. to this Act.

**11.** The report of the inspector shall only be for the information of the license commissioners, who shall exercise their own discretion on each application, and should there be no report to the effect aforesaid, then as the commissioners may think fit to determine. <sup>Commissioners to determine on each application.</sup>

**12.** The council of every city, town, village or township municipality may, by by-law to be passed before the first day of March, in any year, limit the number of shop licenses to be granted therein for the then ensuing year, and in such by-law or by any other by-law passed before the said day, may require the shopkeeper to confine the business of his shop solely and exclusively to the keeping and selling of liquor, or may impose any restrictions upon the mode of carrying on such traffic as the council may think fit, and such by-law shall be binding upon the license commissioners, and any shop license to be issued shall conform to the provisions thereof; and such by-law shall remain in force for any future year until repealed. <sup>Number of shop licenses limited, and licensees may be subjected to certain restrictions.</sup>

**13.** Where the applicant for a tavern or shop license resides in a remote part of the county, or where for any other reason the license commissioners see fit, they may dispense with the report of the inspector, and act upon such information as may satisfy them in the premises. <sup>Applicants residing in remote parts of counties.</sup>

**14.** A wholesale license shall be strictly limited to persons who carry on the business of selling by wholesale or in unbroken packages. <sup>Wholesale licenses.</sup>

**15.** Manufacturers of native wines from grapes grown and produced in Ontario, and who sell such wines in quantities of not less than three gallons, or one dozen bottles of not less than three half-pints each at one time, are exempted from any duty under this Act, and are not required to obtain any license for so selling wines so manufactured. <sup>Manufacturers of native wines.</sup>

**16.** The following duties shall hereafter be payable, and shall be in lieu of all others, provincial or municipal, that is to say :

(1.) For each wholesale license the sum of one hundred and fifty dollars : each shop license in cities one hundred dollars; in towns,

towns, eighty dollars ; and in other municipalities, sixty dollars. For each tavern license in cities, one hundred dollars ; in towns, eighty dollars ; and in other municipalities, sixty dollars ;

(2.) The council of any municipality may by by-law require a larger duty to be paid for tavern or shop licenses therein, but not in excess of two hundred dollars in the whole, unless the by-law has been approved by the electors under the twenty-third section of the said recited Act ;

(3.) In any municipality where, under the provisions of sections twenty-two and twenty-three of the said recited Act, and of any by-law in that behalf, a larger sum or duty in the whole than the foregoing is now payable for any shop or tavern license, such sum or duty shall be the lowest duty payable under this Act for any such license until altered by by-law of the municipality to be passed for the purpose, but in no case shall the duty be under the amount in this section specially prescribed.

**Payment of duty to Inspector and payment over by him.**

**17.** The duty in all cases shall be paid to the inspector, and upon payment he shall issue the respective licenses authorised by the license commissioners, and it shall no longer be necessary that the treasurer of the municipality shall endorse or sign any receipt thereon; and the inspector shall daily, on receipt of any duty, pay the same into one of the chartered banks designated by the Treasurer of the Province to the credit of an account to be entitled " License Fund Account for the City [or County or Riding] of \_\_\_\_\_," and all sums shall be drawn therefrom by cheque of the inspector, countersigned by two of the license commissioners.

**Application of penalties where inspector is prosecutor.**

**18.** Any penalty in money which, under the said recited Act, may be recovered in cases where any inspector is the prosecutor or complainant, shall be paid by the convicting justice or justices to the inspector, and paid in by him to the credit of the " License Fund Account ;"

**Where the whole penalty and costs are not recovered.**

(2.) In case the whole amount of the penalty and costs be not recovered, the amount recovered shall be applied, first, to the payment of the costs, and the balance shall be appropriated as hereinafter mentioned ;

**Where costs are not recovered.**

(3.) In any case where the inspector has prosecuted and obtained a conviction, and has been unable to recover the amount of costs, the same shall be made good out of the said License Fund ;

**Indemnity of inspector where he fails to obtain a conviction.**

(4.) In any case where the inspector has prosecuted and failed to obtain a conviction, he shall be indemnified against all costs out of the License Fund, should the justice or justices before whom the complaint is made certify that such officer had reasonable and probable cause for preferring such prosecution or complaint.

**The duties, fines and penalties to form a license fund.**

**19.** All sums received from duties on tavern, shop and wholesale licenses, and for fines and penalties, shall form the license

license fund of the city, county, union of counties, electoral riding or division respectively for which the board of license commissioners has been appointed, and the same shall be applied, under regulations of the Lieutenant-Governor in Council, for the payment of the salary and expenses of the inspector, and for the expenses of the office of the board and of officers, and otherwise in carrying the provisions of the law into effect, and the residue on the thirtieth day of June, in each year and at such other times as may be prescribed by the regulations of the Lieutenant-Governor in Council, shall be paid over,—one-third to the Treasurer of the Province, to and for the use of the Province, and the other two-thirds to the treasurer of the city, town, village, or township municipality in which the licensed premises are respectively situate; but in cases where any municipality by by-law requires a larger duty to be paid than the specific sum mentioned in the sixteenth section for any license, the whole of such excess shall be paid over to the Treasurer of such municipality.

**20.** Section thirty-five of the said Act is hereby amended by inserting after the word "required" in the third line of the said section, the words "or who shall otherwise violate any other provision of this Act, in respect of which violation no other punishment is prescribed." 37 V. c. 32, s. 35, amended.

**21.** In proving the sale or disposal, gratuitous or otherwise, or consumption of liquor for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to shew that any money actually passed, or any liquor was actually consumed, if the justice or justices or court hearing the case be satisfied that a transaction in the nature of a sale or other disposal actually took place, or that any consumption of liquor was about to take place, and proof of consumption or intended consumption of liquor on premises under license or in respect to which a license is required under this Act, by some person other than the occupier of said premises, shall be evidence that such liquor was sold to the person consuming or being about to consume or carrying away the same, as against the holder of the license or the occupant of the said premises. Evidence as to sale, &c., of Liquor.

**22.** Section fifty of the said Act is hereby amended by striking out the words "are sold," in the seventh line and substituting therefor "are kept or had for the purpose of being sold, bartered or traded in." Sec. 50 amended.

**23.** The license commissioners may with the sanction of the Lieutenant-Governor in Council appoint one or more officers to enforce the provisions of this Act, and especially for the prevention of traffic in liquor by unlicensed houses, and such officer or officers shall possess and discharge all the powers and duties of Provincial officers as if appointed under the fifty-fourth section of the said recited Act. License Commissioners may appoint officers to enforce this Act.

Time for issuing, and duration of licenses.

**24.** The year during which licenses are to be in force shall begin on the first day of May in each year, and end on the thirtieth day of April, in the year following ; and all licenses heretofore duly issued and expiring on the first day of March next shall be deemed to continue in effect till the thirtieth day of April, one thousand eight hundred and seventy-six : Provided always, that such licenses are duly renewed for that period by payment being made to the treasurer of the municipality, and to the issuer respectively, of additional duty equal to one-sixth of the duty provincial and municipal payable for the now current year of such licenses, and that from and after the passing of this Act no by-law or certificate of police commissioners in cities or of municipal councils in other municipalities for the granting of any license, shall have any force or effect in granting any other or future licenses, and except for the purpose of renewing the said licenses under this proviso, the powers, and duties of all inspectors and issuers appointed under the said recited Act shall cease ; and such renewal may be made by the endorsement of the issuer upon the license.

Districts not within the jurisdiction of municipal councils.

**25.** In such portion of judicial or territorial districts as are not within the jurisdiction of any municipal county, the Lieutenant-Governor in Council may appoint one or more persons for the issue of such number of tavern and shop licenses to such persons, for such places and periods, and upon such conditions as may be prescribed by Order in Council, to take effect from the first of June in each year ;

(2.) For any such tavern or shop license, the duty payable shall be the sum of sixty dollars ;

(3.) Any municipal corporation within any such district shall have the like authority in respect of taverns and shops therein, and the licenses therefor, as the like corporations in municipal counties possess under the provisions of this Act or the said recited Acts ;

(4.) The provisions of this Act and of the said recited Act shall be in force and apply to all portions of such judicial or territorial districts.

Duty for vessels.

**26.** For vessels navigating the waters of this Province, the duty shall be one hundred dollars, and shall be payable to the inspector granting the license on behalf of Her Majesty for the public uses of the Province.

Temperance Act of 1864 not affected by this Act.

**27.** Nothing in the said recited Act or this Act shall be construed to affect or impair any of the provisions of "The Temperance Act of 1864" of the late Province of Canada, all of which, so far as the same are within the jurisdiction of this Legislature, are declared to be in full force and effect ; and no tavern or shop license shall be issued or take effect within any county, city, town, incorporated village, or township in Ontario within which any by-law for prohibiting the sale of liquor under the said Act is in force ;

(2.)

(2.) The Lieutenant-Governor in Council may, notwithstanding any such by-law affects the whole of any county, nominate a board of commissioners of the number, and for the period mentioned in the first section of this Act, and also an inspector; and the said board and inspector shall have, discharge and exercise all such powers and duties respectively for preventing the sale, traffic or disposal of liquor contrary to said Act or this Act as they respectively have or should perform under this Act;

(3.) The board of license commissioners and the inspector appointed under this Act shall exercise and discharge all their respective powers and duties for the enforcement of the provisions of the Temperance Act of 1864 (as well as of this Act, so far as the same shall apply), within the limits of any county, city, incorporated village or township in which any by-law under the said Temperance Act is in force;

(4.) All expenses which may be incurred in carrying the provisions of this section into effect shall be borne and paid in the proportion of one-third by the Province out of the Consolidated Revenue Fund, and two-thirds by the municipality within which any such by-law is in force, in cases where there is no license fund under this Act.

**28.** This Act shall take effect immediately on the passing thereof. Time when  
the Act to take  
effect.

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#### SCHEDULE A.

Know all men by these presents, that we, T. U., of V. W., of \_\_\_\_\_, and X. Y., of \_\_\_\_\_ are held and firmly bound unto Her Majesty Queen Victoria, her heirs and successors, in the penal sum of four hundred dollars of good and lawful money of the Province of Canada, that is to say, the said T. U. in the sum of two hundred dollars, the said V. W. in the sum of one hundred dollars, and the said X. Y. in the sum of one hundred dollars of like good and lawful money, for payment of which well and truly to be made we bind ourselves and each of us, our heirs, executors and administrators, firmly by these presents.

Whereas the above bounden T. U. is about to obtain a license to keep a tavern or house of entertainment in the \_\_\_\_\_ of \_\_\_\_\_ the condition of this obligation is such, that if the said T. U. pays all fines and penalties which he may be condemned to pay for any offence against any statute or other provision having the force of law relative to any tavern or house of public entertainment now or hereafter to be in force, and does, performs and observes all the requirements thereof, and conforms to all rules and regulations that are or may be established by competent authority in such behalf; then this obligation shall be null and void, otherwise to remain in full force, virtue and effect.

In

In witness whereof, we have signed these presents with our hands, and sealed them with our seals, this      day of A. D. one thousand eight hundred and seventy .

T. U. [L. S.]  
V. W. [L. S.]  
X. Y. [L. S.]

Signed, sealed and delivered, }  
in the presence of us }

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### SCHEDULE B.

Know all men by these presents, that we, T. U., of V. W., of , and X. Y., of are held and firmly bound unto Her Majesty Queen Victoria, her heirs and successors, in the penal sum of four hundred dollars of good and lawful money of the Province of Canada, that is to say, the said T. U. in the sum of two hundred dollars, the said V. W. in the sum of one hundred dollars, and the said X. Y. in the sum of one hundred dolairs of like good and lawful money, for payment of which well and truly to be made we bind ourselves and each of us, our heirs, executors and administrators, firmly by these presents.

Whereas the above bounden T. U. is about to obtain a license to keep a shop wherein liquor may be sold by retail in the of the condition of this obligation is such, that if the said T. U. pays all fines and penalties which he may be condemned to pay for any offence against any statute or other provision having the force of law relative to any shop wherein liquor may be sold by retail now or hereafter to be in force, and does, performs and observes all the requirements thereof, and conforms to all rules and regulations that are or may be established by competent authority in such behalf; then this obligation shall be null and void, otherwise to remain in full force, virtue and effect.

In witness whereof, we have signed these presents with our hands, and sealed them with our seals, this      day of A. D. one thousand eight hundred and seventy .

T. U. [L. S.]  
V. W. [L. S.]  
X. Y. [L. S.]

Signed, sealed and delivered, }  
in the presence of us }

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## CAP. XXVII.

An Act to authorize Corporations and Institutions incorporated out of the Province of Ontario to lend and invest moneys therein.

[*Assented to 10th February, 1876.*]

**W**HÈREAS it would greatly tend to assist the progress of Preamble. Public Works and other improvements now going on within the Province of Ontario if facilities were afforded to institutions and corporations incorporated out of the Province of Ontario for the purpose of lending moneys, to lend their money within the Province, and with that object it is expedient to confer on such institutions and corporations powers to contract and also to hold as security lands within the Province of Ontario;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**1.** Where any institution or corporation duly incorporated under the laws of the Parliament of Great Britain and Ireland, or of the Dominion of Canada for the purpose of lending or investing moneys, is authorized by the statute, charter or instrument of incorporation to lend money in this Province such institution or corporation may apply for and receive a license from the Provincial Secretary authorizing it to carry on business within the Province of Ontario, to transact any loaning business of any description whatever within the said Province of Ontario in its corporate name except the business of banking, and to take and hold any mortgages of real estate, and any railway, municipal or other bonds of any kind whatsoever, and on the security of which it may lend its money, and whether the said bonds form a charge on real estate within the said Province or not, and also to hold such mortgages in its corporate name and to sell and transfer the same at its pleasure, and in all respects to have and enjoy the same powers and privileges with regard to lending its moneys and transacting its business within the said Province as a private individual might have and enjoy so far as may be within the legislative authority of this Province : Provided such corporation shall sell or dispose of any real estate to which it may acquire a title in fee simple by foreclosure or by the release of the equity of redemption therein, within five years from the date of such foreclosure, and any real estate which may not within the said period have been disposed of as hereinbefore required shall be forfeited to and become vested in the Crown.

Certain Institutions incorporated by the Parliament of Great Britain or Canada may receive a license to carry on business in Ontario.

Property acquired to be re-sold within five years from acquisition.

**2.** Every company obtaining such license as aforesaid shall, before the commencement of such business, file in the office of the

the Provincial Secretary of Ontario a certified copy of the charter, act of incorporation, or articles of association of such company, and also a power of attorney to the principal agent or manager of such company in the said Province of Ontario, signed by the president or managing director and secretary thereof, and verified as to its authenticity by the statutory declaration of the principal agent or manager of such company or of any person cognizant of the facts necessary for its verification, which power of attorney must expressly authorize such agent or manager, as far as respects business done by such agent or manager within the said Province, to accept process in all suits and proceedings against such company in the Province for any liabilities incurred by such company therein, and must declare that service of process on such agent or manager for such liabilities shall be legal and binding on such company to all intents and purposes whatever, and waiving all claims of error by reason of such service.

Service of process on the Company.

**3.** After such certified copy of the charter and such power of attorney are filed as aforesaid, any process in any suit or proceeding against such company for any liability incurred in the Province may be served upon such manager or agent in the same manner as process may be served upon the proper officer of any company incorporated in the Province, and all proceedings may be had thereupon to judgment and execution in the same manner as in proceedings in any civil suit in the Province.

Notice of Company being licensed.

**4.** Every company obtaining such license as aforesaid shall forthwith give due notice thereof in the official gazette and in at least one newspaper in the county, city or place where the principal manager or agent of such company in the Province transacts the business thereof, for the space of one calendar month, and the like notice shall be given when such company shall cease or notify that they cease to carry on business within the Province.

Evidence whereon license may issue.

**5.** The Provincial Secretary of Ontario may, if he see fit, issue such license as aforesaid on being furnished with evidence of the due incorporation of the company applying for such license under the laws of the Imperial Parliament of Great Britain and Ireland, or of the Dominion of Canada, which evidence shall be a certified copy of the charter, act of incorporation, or articles of association of such company, and on being furnished with a power of attorney from such company to the person appointed to be the principal agent or manager of such company within the Province under the seal of such company, and signed by the president or managing director and secretary thereof, and verified by the oath of an attesting witness expressly authorizing such agent or manager to apply for such license; and the fee to be paid by such company on the issuing of such license shall be such sum as may be fixed by the Lieutenant-Governor in Council.

Fee for license.

CAP

## CAP. XXVIII.

An Act respecting References of matters of account to Referees.

[Assented to 10th February, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The one hundred and fifty-eighth section of chapter Con. Stat. U. twenty-two of the Consolidated Statutes for Upper Canada C., c. 22, s. 158, is hereby repealed, and the following is substituted in lieu thereof:

158. If at any time after the Writ has issued, and before the record has been entered for trial, it be upon the application of either party made to appear to the satisfaction of the Court or a Judge that the matters in dispute consist wholly or in part of matters of mere account, which cannot conveniently be tried in the ordinary way, the Court or Judge may upon such application, if they or he think fit, decide such matter in a summary manner, or order such matter, either wholly or in part, to be referred to the Master, or to any Local Master of the Court of Chancery, or to the Judge of any County Court, or to any Referee appointed by the parties who consent in writing to accept such reference, upon such terms as to costs and otherwise as such Court or Judge thinks reasonable; and the decision or order of such Court or Judge, so soon as given or made, or the report or certificate of such Master, County Judge or Referee, when confirmed as hereinafter provided, may be enforced by the same process as the finding of a jury upon the matter referred.

**2.** When an order is made under the one hundred and fifty-eighth section of the said Act, the Master, County Judge or Referee to whom the reference is directed, shall proceed therein; and the depositions of the witnesses examined upon such reference shall be taken down in writing, and shall forthwith after the making of the report or certificate, together with the exhibits referred to therein, and the said award or certificate, and upon payment of the fees of such Master, County Judge or Referee, be filed by the said Master, County Judge or Referee with the officer of the Court with whom the praecipe for the said Writ was filed; and such report or certificate, shall without an order confirming the same, become absolute at the expiration of fourteen days from the filing thereof unless appealed from, but the Court or Judge may under special circumstances allow an appeal after the fourteen days.

**3.** The officer of the Court with whom any depositions and report of paper for

Summary  
decision or  
reference after  
writ and be-  
fore record  
entered in  
matters of  
account.

Procedure on  
reference.

Filing of depo-  
sitions, certifi-  
cate, &c.

Certificate to  
become abso-  
lute unless ap-  
pealed from.

**purposes of appeal.**

**Return of papers.**

**Under s. 160  
depositions to  
be in writing  
and filed.**

**Under s. 160  
and motion to  
set aside award  
the Court may  
decide or refer  
in certain  
cases.**

**Copies of documents used as evidence may be filed in lieu of original.**

**Appeal under  
above s. 2.**

**Practice.**

report or certificate taken or made under the provisions of this Act have been filed, shall, for the purpose of any such appeal or motion, within twenty-four hours after notice in writing delivered to him in his office for that purpose and payment of the necessary postage, enclose, seal up and transmit by post to the proper principal office in Toronto, addressed to the Clerk thereof, such depositions and report or certificate, together with all exhibits and papers filed therewith; and after such appeal or motion has been disposed of, any party thereto may in like manner procure such depositions, report or certificate, exhibits and papers to be returned to the officer of the Court with whom they were originally filed.

**4.** Upon any order of reference made under the provisions of the one hundred and sixtieth section of the said Act, the depositions of the witnesses examined upon such reference shall be taken down in writing, and shall forthwith after the making of the award, together with the exhibits referred to therein, be filed by the arbitrator or arbitrators with the officer of the Court with whom the praecipe for the Writ of Summons in the action or any of the actions in which the said order was made, is filed.

**5.** Whenever a motion is made to set aside any award made under the said one hundred and sixtieth section, it shall not be obligatory on the Court to which the said application is made to set aside such award or to remit the same to the arbitrator or arbitrators making the same, but the Court may pronounce and make the award which in their judgment the said arbitrator or arbitrators ought to have pronounced and made; and in case the provisions of the fourth section of this Act have not been complied with, the said Court may in its discretion set aside the said award or remit the same to the arbitrator or arbitrators upon such terms as may seem proper.

**6.** The said Master, County Judge, Referee, Arbitrator or Arbitrators, upon the application of any party, and where no special reason appears to him or them to exist for filing any original book, paper or document as an exhibit, as in the preceding paragraph provided, may at the close of the reference, and before the said exhibits are so filed, allow a sworn copy of any such original book, paper or document which may have been given in evidence before him upon such reference, or of such portions thereof as he may deem material to be substituted as an exhibit in the place of any such original book, paper or document.

**7.** The appeal from a Report or certificate referred to in the second section of this Act shall be to the Court in which the said action was begun, and may be heard before and decided by a Judge of either of the Superior Courts of Common Law, in or out of term, and the practice to be observed upon any such appeal

appeal shall be the practice now observed in appeals from the Report of a Master in Chancery; and such Judge may upon such appeal either amend the said Report or certificate in any way and to any extent that he may deem proper, or refer the same back to the said Master, County Judge or Referee for amendment in whole or in part, with such directions as to law or fact as he may deem proper, or may confirm the same; and upon any such appeal or upon any motion, to set aside an award, any party may by notice require any other party to produce, and the party so required shall produce upon the hearing of the appeal, or upon the said motion, any original book, paper or document in his possession which has been used as an exhibit or given in evidence upon the said reference, and which has not been filed with the said depositions.

*Amendment of certificate.*

*Production of exhibits.*

**8.** In any County Court in which an order of reference is made under the said one hundred and fifty-eighth section, an appeal, in like manner and within the same time as in the seventh section of this Act is provided with regard to actions in the Superior Courts, shall lie to the Judge of the said County Court, who shall upon such appeal have the same powers as may be exercised by a Judge in like cases in the Superior Courts; and upon any motion to set aside an award made under the said one hundred and sixtieth section in any County Court, the Judge thereof shall have the same powers as may be exercised by the Superior Courts in like cases.

*Appeals.  
Motions to set aside award in County Courts and reference under s. 158.*

**9.** Where the reference is made to the County Judge or the Master in Chancery, such person shall be entitled to take and receive to his own use the same fees as the local Masters of the Court of Chancery are entitled to receive upon reference from the Court of Chancery.

*Fees to the Judge and Master.*

**10.** In the case of a voluntary reference to arbitration, where it is agreed by the terms of the submission that there may be an appeal to one of the Superior Courts, this Act shall apply, and the reference shall be conducted in the manner directed by this Act, and an appeal shall lie in the same manner as in case of a reference in causes pending in Court.

*This Act to apply on voluntary reference and agreement that appeal may lie.*

## CAP. XXIX.

An Act to amend the Law of Vendor and Purchaser, and to simplify Titles.

[Assented to 19th February, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rights of vendors and purchasers in contracts of sale of lands.

**1.** In the completion of any contract of sale of land made after the passing of this Act, the rights and obligations of vendors and purchasers shall be regulated by the following rules (but subject to any stipulation in such contract to the contrary), namely:—

Recital of facts, &c., *prima facie* evidence.

**First.** Recitals, statements and descriptions of facts, matters and parties contained in deeds, instruments, Acts of Parliament or statutory declarations twenty years old at the date of the contract, shall, unless and except so far as they shall be proved to be inaccurate, be taken to be sufficient evidence of the truth of such facts, matters and descriptions.

Memorials of discharged mortgages.

**Second.** Registered memorials of discharged mortgages shall be sufficient evidence of the mortgages without the production of the mortgages themselves, unless and except so far as such memorials shall be proved to be inaccurate; and the vendor shall not be bound to produce the mortgages unless they appear to be in his possession or power.

Memorials 20 years old, when, and of what, evidence.

**Third.** In case of registered memorials twenty years old, of other instruments, if the memorials purport to be executed by the grantor, or, in other cases, if possession has been consistent with the registered title, the memorials shall be sufficient evidence without the production of the instruments to which the memorials relate, except so far as such memorials shall be proved to be inaccurate; the vendor shall not be bound to produce the original instruments unless they appear to be in his possession or power, and the memorial shall be presumed to contain all the material contents of the instruments to which they relate.

Receipt in a conveyance.

**Fourth.** Where a registered deed of conveyance acknowledges payment of the consideration money, such acknowledgment shall be sufficient evidence of payment, except so far as such acknowledgment shall be proved to be inaccurate.

Inability to furnish covenant to pro-

**Fifth.** The inability of the vendor to furnish the purchaser with a legal covenant to produce and furnish copies of documents

ments of title, shall not be an objection to title in case the purchaser will, on the completion of the contract, have an equitable right to the production of such documents. duce and furnish documents of title.

**2.** Trustees who are either vendors or purchasers may sell or buy without excluding the application of the first section of this Act. Rights of Trustees.

**3.** A vendor or purchaser of real or leasehold estate in Ontario, or their representatives respectively, may at any time or times, and from time to time apply in a summary way to the Court of Chancery, or a judge thereof, in respect of any requisitions or objections, or any claim for compensation, or any other question arising out of or connected with the contract (not being a question affecting the existence or validity of the contract); and the judge shall make such order upon the application as to him shall appear just, and shall order how and by whom all or any of the costs of and incidental to the application shall be borne and paid. Summary applications to Court of Chancery in respect to requisitions, objections or compensation, &c. Costs.

**4.** In proceedings in Chancery to quiet a title, it shall not be necessary to produce any evidence which by the first section of this Act is dispensed with as between vendor and purchaser, nor to produce or account for the originals of any registered deeds, documents or instruments, unless where the officer or judge before whom the investigation is had shall otherwise direct. Evidence in proceedings to quiet titles.

**5.** Upon the death of a bare trustee of any corporeal or incorporeal hereditament of which such trustee was seized in fee simple, such hereditaments shall vest in the legal personal representative, from time to time, of such trustee. Fee simple estates of bare trustees to vest in their personal representatives.

**6.** Where any freehold hereditament shall be vested in a married woman as a bare trustee, she may convey or surrender the same as if she were a feme sole, and without her husband joining in the conveyance. Conveyances by married women as bare trustee.

**7.** In suits at law or in equity it shall not be necessary to produce any evidence which, by the first section of this Act, is dispensed with as between vendor and purchaser; and the evidence therein declared to be sufficient as between vendor and purchaser shall be *prima facie* sufficient for the purposes of such suits. Evidence in actions or suits.

## CAP. XXX.

An Act to amend the Act imposing a Tax on Dogs, and for the protection of Sheep.

[Assented to 10th February 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

32 V.C. 31, s. 2, amended. **1.** The second section of the Act passed in the thirty-second year of Her Majesty's reign, chaptered thirty-one, intituled "An Act to amend the Act imposing a Tax on Dogs and for the better protection of Sheep," is hereby amended by adding the following words after the word "jurisdiction," in the last line of said section: "Provided always that the said county by-law shall not apply to or have effect in any municipality whose council by by-law declares that this Act shall be in force in such municipality."

## CAP. XXXI.

An Act to amend the Laws respecting the Law Society.

[Assented to 10th February, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to make by-laws as to Students and Barristers.

**1.** The Benchers of the Law Society may from time to time make all necessary rules, regulations and by-laws and dispense therewith from time to time to meet the special circumstances of any special case respecting the admission of students of law, the periods and conditions of study, the call or admission of barristers to practise the law, and all other matters relating to the interior discipline and honour of the members of the Bar.

Power to make by-law as to articled Clerks and admission of Attorneys.

**2.** The said Benchers of the Law Society from time to time may also make all necessary rules, regulations and by-laws and dispense therewith from time to time, to meet the special circumstances of any special case respecting the service of articled clerks, the period and conditions of such service, and the admission of attorneys or solicitors to practise in the Courts, and all other matters relating to the interior discipline and practice of such attorneys, solicitors and articled clerks.

**3.** It shall not be necessary for any attorney or solicitor to obtain from the Clerks of the Courts of Queen's Bench or Common Pleas or Registrar in Chancery certificates to practise as such attorneys or solicitors, but such certificates shall hereafter be issued by the Secretary of the Law Society, under the seal of the said Society, according to the list of names appearing in the copy of the roll of attorneys and solicitors of the respective Courts, certified to the said Secretary by the Clerks of the Crown and Pleas and Registrar in Chancery, under section fifty of chapter thirty-five of the Consolidated Statutes for Upper Canada, and the said Law Society shall determine what fees shall be payable for such certificates, and the certificates so issued shall be and shall be construed to be the certificates heretofore authorized by law. Certificates to practise. Fees.

**4.** The said Benchers of the Law Society may by by-law establish a fund for the benefit of the widows and orphans of barristers, attorneys and solicitors, and of persons who have been such, to be called the Law Benevolent Fund, and may make all necessary rules and regulations for the management and investment of the said fund, and the terms of subscription and appropriation thereof, and the conditions under which the widows and orphans of such persons shall be entitled to share in the said fund. Widows and Orphans' Fund.

**5.** The sixth section of the Act passed in the Session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, chaptered forty-nine, intituled "An Act to amend the Act respecting Attorneys-at-Law," is hereby amended by inserting after the words "Common Pleas" in the second line of said section, the words "or in the County Courts." 29 & 30 V., c. 49, s. 6, amended.

**6.** All inconsistent enactments are hereby repealed, but nothing in this Act shall interfere with the present practice of the Courts as to the admission of attorneys or solicitors, nor with their jurisdiction over them as officers of such Courts. Repeal of inconsistent enactments.

**7.** The said Benchers of the Law Society may appoint such officers and servants as may be necessary for the management of the business of the said Law Society. Practice as to admission and jurisdiction. Appointment of officers.

**8.** The Attorney-General of Canada for the time being and every person who shall have held that office, if a member of the Bar of Ontario, shall be *ex-officio* a Bencher of the said Law Society. Attorneys-General past and present to be *ex-officio* benchers.

**9.** Whereas certain petitions have been presented to the Legislature of this Province during its present session praying for special Acts of Parliament for the admission of the petitioners to practise as barristers or attorneys and solicitors, be it enacted that it may and shall be lawful for the said Law Society in their discretion, upon payment of the usual fees therefor, to call to the Bar as barristers, or admit to practise as attorneys and solicitors, Power to admit persons to practise barristers or attorneys.

citors, such of the said petitioners as have so petitioned, upon proper proof of the allegations in said petitions and upon their passing the usual final examination prescribed by the rules of the said Law Society for barristers or attorneys and solicitors; provided they come within the classes of cases in which the Legislature of this Province has heretofore authorized, by special Acts of Parliament, the admission of barristers or attorneys and solicitors.

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## CAP. XXXII.

### An Act to make further provision respecting Permanent Building Societies.

[Assented to 10th February, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Directors may  
make or amend  
by-laws, etc.,

**1.** The Directors of any Permanent Building Society incorporated under chapter fifty-three of the Consolidated Statutes for Upper Canada or under any other Act respecting Building Societies within the legislative authority of the Legislature of this Province, may from time to time alter, amend, repeal or create any regulation, rule or by-law for the working of any such society: Provided that such action of the Directors shall not have a binding force until confirmed at a general meeting of the shareholders of the society upon a vote of two-thirds of the capital stock represented at such meeting,—notice being given of the proposed changes, in the notice calling the meeting; provided always that at such general meeting the shareholders may, by a like vote, alter or amend such proposed regulations, rules or by-laws, and may confirm the same as so altered and amended.

Proviso for  
confirmation  
by share-  
holders.

**2.** No shareholder of any such society shall be liable for, or charged with the payment of any debt or demand due by the society, beyond the extent of his shares in the capital of the society not then paid up.

Liability of  
shareholders  
limited.

**3.** Any such society may lend money in conformity with the laws of Canada and with the laws authorizing the establishment of Building Societies in Ontario, and the by-laws of such society, to any person or persons or body corporate, at such lawful rates of interest as may be agreed upon, without requiring any of such borrowers to become subscribers to the stock or members of the said society: Provided always, that all borrowers from any such society shall be subject to all the rules of such society

Proviso as to  
rules affecting  
borrowers.

society in force at the time of their becoming borrowers, but not to any other rules.

**4.** Section twenty-two of chapter fifty-three of the Consolidated Statutes for Upper Canada is hereby repealed, and the following substituted therefor :—

22. Any such society may purchase mortgages upon real estate, debentures of municipal corporations, or of Public School corporations, or Dominion or Provincial stock or securities; and they may re-sell any such securities as to them shall seem advisable, and for that purpose they may execute such assignments or other instruments as may be necessary for carrying the same into effect; they may also in conformity with the laws of Canada make advances to any person or persons or body corporate upon any of the above mentioned securities at such lawful rates of discount or interest as may be agreed upon.

**5.** The principal money so advanced on mortgages may be repaid by means of a sinking fund of not less than two per centum per annum, within such time as the society shall direct and appoint, and as shall be specified in the mortgage or assignment of mortgage to be made of such real estate, and by means of such revenues, rates, rents, tolls or profits as hereinafter mentioned; and the society may do all acts that may be necessary for advancing money, and for recovery and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or any conditions attached to such advance or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same, and do, authorize and exercise all acts and powers whatsoever requisite or expedient to be done or exercised in relation to the said purposes.

**6** The Board of Directors of any such society having a paid-up capital of not less than two hundred thousand dollars in fixed and permanent stock not liable to be withdrawn therefrom may issue debentures of such society for such sums, not being less than one hundred dollars, and in such currency as they may deem advisable, and payable not less than one year from the issue thereof at such place as therein mentioned: Provided always, that the aggregate amount of money deposited in the hands of such society, together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by such society, and shall not exceed the amount of capitalized, fixed and permanent stock in such society, not liable to be withdrawn therefrom, by more than one-third of the total amount of the said capitalized stock: Provided further, that the amount of cash actually in the hands of any such society, or deposited in any chartered bank, shall be deducted from the sum total of the liabilities which such society may be authorized to incur as above stated.

Form of  
debentures.

**7.** The debentures of such society may be in the form of Schedule A to this Act or to the like effect.

Powers of  
directors  
of society.

**8.** The President, Vice-President and Directors of any Permanent Building Society, incorporated as aforesaid, shall have and exercise the powers, privileges and authorities set forth and vested in them by this Act and any other Act regulating such society, subject to the rules or by-laws of such society, and they shall be subject to and be governed by such rules, regulations and provisions as are herein contained with respect thereto and by the by-laws of such society ; and the Directors shall and may lawfully exercise all the powers of such society, except as to such matters as are directed by law to be transacted by a general meeting of such society : the Directors may use and affix, or may cause to be used and affixed, the seal of such society to any document or paper which in their judgment may require the same ; they may make and enforce the calls upon the shares of the respective shareholders ; they may declare the forfeiture of all shares on which such calls are not paid ; they may make any payments and advances of money they may deem expedient which are or shall at any time be authorized to be made by or on behalf of such society, and enter into all contracts for the execution of the purposes of such society, and for all other matters necessary for the transaction of its affairs ; they may generally deal with, treat, sell and dispose of the lands, property and effects of such society, for the time being, in such manner as they shall deem expedient and conducive to the benefit of such society, as if the same lands, property and effects were held and owned according to the tenure and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age : they may do and authorize, assent to or adopt, all acts required for the due exercise of any further powers and authorities which may hereafter be at any time granted to such society by the Legislature of Ontario for the performance and fulfilment of any conditions or provisions from time to time prescribed by the said Legislature in giving such further powers and authorities or in altering or repealing the same respectively or any of them.

By-laws to be  
under seal.  
Evidence of  
by-laws.

**9.** All by-laws of any such society shall be reduced to writing, and shall have affixed thereto the common seal of the society ; and any copy or extract therefrom, certified under the signature of the Secretary or Manager, shall be evidence in all civil courts of justice in Ontario of such by-laws or extract from them, and that the same were duly made and are in force ; and in any civil action or proceeding at law or in equity it shall not be necessary to give any evidence to prove the seal of such society ; and all documents purporting to be sealed with the seal of any such society ; attested by the President, Treasurer or Manager thereof, shall be held *prima facie* to have been duly sealed with the seal of such society.

10..

**10.** Section forty-two of chapter fifty-three of the Consolidated Statutes for Upper Canada is hereby repealed, and the following substituted therefor :—

Such society shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock, or to which any deposit or any other moneys payable by or in the hands of any such society, may be subject ; and the receipt of the party or parties in whose name any such share or shares or moneys stand in the books of the society, shall, from time to time, be sufficient discharge to the society for any payment of any kind made in respect of such share or shares or moneys, notwithstanding any trust to which the same may then be subject, and whether or not such society has had notice of such trust ; and the society shall not be bound to see to the application of the money paid upon such receipt.

**11.** Section twenty of chapter fifty-three of the Consolidated Statutes for Upper Canada is hereby repealed, and the following substituted therefor :—

Every officer or other person appointed to any office in anywise concerning the receipt of money shall furnish security to the satisfaction of the Directors for the just and faithful execution of the duties of his office according to the rules of the society, and any person entrusted with the performance of any other service may be required by the Directors to furnish similar security.

**12.** Any Permanent Building Society incorporated as aforesaid may, unite, amalgamate and consolidate its stock, property, business and franchises with the stock, property, business and franchises of any other Building, Saving or Loan Society, incorporated or chartered as aforesaid, and may enter into all contracts and agreements therewith, necessary to such union and amalgamation.

**13.** The Directors of the two societies proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement under the corporate seals of each of the said corporations, for the amalgamation and consolidation of the said corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the Directors and other officers thereof, and who shall be the first Directors and officers thereof and their places of residence, the number of shares of the capital stock, the amount of par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how, and when, and for how long Directors and other officers of such new corporation shall be elected, and when elections shall be held,—with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said

C. S. U. C.  
c. 53, s. 42, re-pealed.

New section.  
Society not  
bound to see  
to execution  
of trusts or  
application of  
moneys paid  
on receipt, etc.

New section.  
Persons in  
service of  
society to  
furnish  
security.

Amalgama-  
tion of societies.

Joint agree-  
ment between  
directors pro-  
posing to  
amalgamate,  
&c.

said corporations, and the after management and working thereof.

to be submitted to stockholders of each society for consideration.

**14.** Such agreement shall be submitted to the stockholders of each of the said societies at a meeting thereof to be held separately for the purpose of taking the same into consideration; notice of the time and place of such meetings and the object thereof shall be given by written or printed notices, addressed to each shareholder of the said societies respectively at his last known post office address or place of residence, and also by a general notice to be published in a newspaper published at the chief place of business of such societies once a week for two successive weeks : at such meetings of stockholders, such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same,—each share entitling the holder thereof to one vote, and the said ballots to be cast in person or by proxy ; and if two-thirds of the votes of all the stockholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon the said agreement by the Secretary of each of such corporations under the corporate seals thereof ; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, the agreement so adopted and the said certificates thereon shall be filed in the office of the Secretary of the Province of Ontario, and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the said societies ; and a copy of such agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

Agreement, if adopted, to be filed with Provincial Secretary.

Upon completion of consolidation the new corporation to possess rights, powers, &c., and be subject to duties, &c., of each of united societies.

All property and rights vested in new corporation without further act or deed.

Proviso, as to rights of creditors, &c., of either of corporations.

**15.** Upon the making and perfecting of the said agreement and act of consolidation, as provided in the next preceding section, and the filing of the said agreement as in the said section provided, the several societies, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, privileges, and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united, except as herein otherwise provided.

**16.** Upon the consummation of such act of consolidation as aforesaid, all and singular the business, property, real, personal and mixed, and all rights and interest appurtenant thereto, all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed : Provided, however, that all rights of creditors and liens upon the property of either of such corporations, shall be unimpaired by such consolidation, and all debts

debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; And provided also, that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding, such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

**17.** The choice and removal of the Auditors of the society, the determination as to the remuneration of the Directors and of the Auditors, shall be exercised at general meetings of the society; and the Auditors shall not necessarily be shareholders: Provided that in case of the death or failure to act of any such Auditor, the Directors may appoint an Auditor in his place; and at all meetings of shareholders of the society the shareholders shall have one vote for each share held by them respectively.

**18.** Such society shall, on or before the fifteenth day of February in each year, transmit to the Treasurer of Ontario a full and clear statement of their assets and liabilities on some day to be stated therein and which day shall not be more than six months prior to the said fifteenth day of February, and such statement shall contain, in addition to such other particulars as the Treasurer of Ontario may require,—

1st. The amount of stock subscribed;

2nd. The amount paid in upon such stock;

3rd. The amount borrowed for the purposes of investment and the securities given therefor;

4th. The amount invested and secured by mortgage deeds;

5th. The amount of mortgages payable by instalments;

6th. The number and aggregate amount of mortgages upon which compulsory proceedings have been taken during the past year;

7th. The present cash value of the Society's investments on mortgages and other securities, and the rate or rates per cent. at which the future repayments are discounted in ascertaining such present cash value.

**19.** Such statement shall be attested by the oath, before some Justice of the Peace, of two persons, one being the President, Vice-President, Manager or Secretary, and the other

Auditors and  
directors, their  
remuneration,  
etc.

Scale of votes.

Annual state-  
ment of assets  
and liabilities  
etc. to be trans-  
mitted to  
Treasurer of  
Ontario.

Statement to  
be attested on  
oath, and be  
published.  
the

Penalty for  
non-transmis-  
sion.

the Manager, Secretary or Auditor of such Society, each of whom shall swear distinctly that he holds such office as aforesaid; that he has had the means of verifying and has verified the statement aforesaid, and found it to be exact and true in every particular; and such statement shall be published by the Treasurer of Ontario, in such manner as he shall think most conducive to the public good; and for any neglect to transmit such statement in due course of post within five days after the day upon which the same should be transmitted, such society shall incur a penalty of one hundred dollars per diem.

In case of non-  
transmission,  
or bad condi-  
tion of the So-  
ciety their  
power to bor-  
row, &c., may  
be stayed.

**20.** If such statement be not transmitted within one month after the said fifteenth day of February, or if it shall appear by the statement that such society is not in a condition to justify its continuance in business with the powers theretofore possessed by such society, the Treasurer of Ontario may under the authority of or by order of the Lieutenant-Governor in Council by a notice in the *Ontario Gazette*, declare the business of such Society to have ceased so far as regards borrowing money and any other matters mentioned in the Order in Council and notice aforesaid.

Business may  
be stayed by  
Treasurer of  
Ontario on ex-  
amination and  
report of false  
statement or  
bad condition  
or refusal to  
show books.

**21.** If the Treasurer of Ontario shall, in any case, suspect any such statement to be wilfully false, he may depute some competent person to examine the books and enquire into the affairs of such Society and to report to him on oath; and if by such report it shall appear that such statement was wilfully false, or that such Society is not in a condition to justify its continuance in business, with the powers theretofore possessed by such society, or if the person so deputed shall report on oath sworn as aforesaid, that he has been refused such access to the books or such information as would enable him to make a sufficient report, the said Treasurer may, under the authority aforesaid, by notice in the *Ontario Gazette*, declare the business of such Society to have ceased, as in the preceding section provided for.

Notice by  
Treasurer of  
intent to stay  
business of  
Society.

**22.** In any of the cases in which discretionary power is given to declare the business of such Society to have ceased, the Treasurer may before so doing give notice to such Society and afford the same an opportunity of making any explanation it may be advisable to make; and all expenses attending such periodical statements and the publication thereof shall be borne by such Society.

Confirmation  
of all done  
under 37 & 38  
V. c. 50.

**23.** Every debenture, mortgage, bond, deed, agreement or other instrument executed by or to any Building Society, and every other act, deed, matter or thing done in pursuance of the provisions of an Act passed in the Session held in the thirty-seventh and thirty-eighth years of Her Majesty's reign, by the Parliament of the Dominion of Canada, and intituled "An Act to make further

ther provision for the management of Permanent Building Societies carrying on business in the Province of Ontario," and every rule made thereunder shall be as valid and effectual as if this Act had been passed on the twenty-sixth day of May, one thousand eight hundred and seventy-four, and such debenture, mortgage, bond, deed, agreement or other instrument had been executed or such other act, deed, matter or thing had been done or rule made by virtue thereof; and all changes in the corporate name of any existing building society incorporated as aforesaid, heretofore made or purported to be made by, or in pursuance of any Act of the said Parliament, are hereby confirmed.

Changes of  
name con-  
firmed.

**24.** All the provisions of this Act shall apply to the societies mentioned in the first section of this Act, and any rights, powers or privileges of any such society, contrary to the provisions of this Act, are hereby repealed.

To what soci-  
ties this Act  
applies.

Repeal of  
powers, &c.,  
inconsistent  
with this Act.

Power to  
change name.

**25.** Where any such society as mentioned in the first section is desirous of changing its name, the Lieutenant-Governor, upon being satisfied that the change desired is not for any improper purpose, and is not otherwise objectionable, may by order in Council change the name of the society to some other name set forth in the said order.

**26.** The society shall give at least four weeks' previous notice in the *Ontario Gazette* of the intention to apply for the change of name, and shall state the name proposed to be adopted; in case the proposed name is considered objectionable, the Lieutenant-Governor in Council may, if he think fit, change the name of the society to some other unobjectionable name, without requiring any further notice to be given.

Notice of  
intent to  
change name.

Change of  
name.

**27.** Such change shall be conclusively established by the insertion in the *Ontario Gazette* of a notice thereof by the Provincial Secretary; and his certificate of such change having been made shall be obtained by the society and filed in the office of the clerk of the peace of the county, with whom is filed the declaration constituting such society; the clerk shall, upon payment by the society of a fee of one dollar therefor, endorse a copy of such certificate upon the said declaration; the society shall (under a penalty of two hundred dollars in case of default), within one month after the insertion of the said notice, cause the said certificate to be filed, and require the said endorsement made as aforesaid; the Lieutenant-Governor in Council may establish the fees to be paid on applications for change of name under this Act.

Procedure on  
change of  
name.

**28.** In constituting a building society under said chapter fifty-three, it shall not be necessary that the declaration of agreement to that effect shall refer to, or use the word "building" or the word "society," or that the body incorporated under such Act be designated by use of either of such words.

In forming a  
society under  
C.S.U.C.c.53  
the words  
"building" or  
"society" may  
be omitted.

## SCHEDEULE A.

Form of De-  
benture.

Debenture No. Transferable \$

Society.

Under the authority of an Act of the Legislature of Ontario, 39th Victoria, Chapter

The President and Directors of the Society promise to pay to or bearer the sum of on the day of in the year of our Lord one thousand eight hundred and at the Treasurer's Office here (*or as the case may be*), with interest at the rate of per cent. per annum, to be paid half-yearly on presentation of the proper coupon for the same as hereunto annexed, say on the day of , and the day of in each year, at the office of the Treasurer here (*or as the case may be*).

Dated at , the day of , 18 .

For the President and Directors of the Society.

C. D.  
Secretary (*or Manager*).

A. B.  
President.

## COUPON.

No. 1. \$

**Coupon.** Half-yearly dividend due of 18 , on Debenture No. issued by this Society on the day of , 18 , for \$ at per cent. per annum, payable at the office of the Treasurer, (*or as the case may be*).

For the President and Directors.

C. D.  
Secretary (*or Manager*).

## CAP. XXXIII.

An Act to amend the Assessment Act of 1869, and any Acts amending the same.

[Assented to 10th February, 1876.]

**W**HEREAS, it is expedient to amend the Assessment Act of 1869:

Therefore Her Majesty, by and with the advice and consent Preamble. of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The following shall be added to and read as sub-sections 32 V. c. 36, s. two and three of section forty-nine of the Assessment Act of 49 amended. 1869:—

(2.) In cities and towns separate from the county, the council, instead of being bound by the periods above mentioned for taking the assessment, and by the periods named for the revision of the rolls by the Court of Revision, and by the County Judge, may pass by-laws for regulating the above periods as follows, that is to say:—For taking the assessment between the first day of July and the thirtieth day of September, the rolls being returnable in such case to the city or town clerk on the first day of October; and in such case the time for closing the Court of Revision shall be the fifteenth day of November, and for final return by the Judge of the County Court the thirty-first day of December; and the assessment so made and concluded may be adopted by the council of the following year as the assessment on which the rate of taxation for said following year shall be levied, and in the year following the passing of the by-law, the council may adopt the assessment of the preceding year, as the basis of the assessment of that year;

(3.) In cities and towns separate from the county, the council may further pass by-laws for making the taxes payable, by instalments; and may in such case impose an additional percentage now applicable to default of taxes if paid in bulk, to default of any instalments by which the same may be made payable.

**2.** The county council may pass by-laws in regulating the above periods as follows: that is to say, for taking the assessment in towns, townships and incorporated villages, between the first day of February and the first day of July; and if any such by-law shall extend the time for making and completing the assessment rolls beyond the first day of May, then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended, and for final return by the judge of the county, twelve weeks from that day.

32 V. c. 36, s.  
9 amended.  
Exemptions  
from taxation.

**3.** The following shall be added to and read amongst the exemptions mentioned in section nine:—All grain, cereals, flour, live or dead stock, the produce of the farm or field, in store or warehouse, and at any time owned or held by, or in the possession of any person, in any municipality, such person not being the producer thereof, and being so held, owned, or possessed solely, for the *bona fide* purpose of being conveyed by water or railway, for shipment or sale at some other place, shall not be deemed to be personal property liable to assessment, and such property shall be exempt from assessment, for municipal or other local rates or taxes within such municipality.

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## CAP. XXXIV.

An Act to amend the Act intituled “ An Act respecting Municipal Institutions in the Province of Ontario.”

[Assented to 10th February, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

36 Vic. c. 48,  
s. 363 amend-  
ed.

Liability of  
cities and  
towns separ-  
ated from  
counties for  
erection and  
maintenance  
of court-house.

Reference to  
arbitration in  
case of dis-  
agreement.

S. 379 sub-s. 12  
amended as to  
fences.

**1.** Section number three hundred and sixty-three of the Act passed in the thirty-sixth year of the reign of Her Majesty, chaptered forty-eight, intituled “ An Act respecting Municipal Institutions in the Province of Ontario,” is hereby repealed, and the following substituted therefor:

363. Cities and towns separated from counties shall, as parts of their respective counties, for judicial purposes, bear and pay their just share or proportion of all charges and expenses from time to time as the same may be incurred of erecting, building, and repairing and maintaining the court-house and gaol of their respective counties, and of the proper lighting, cleansing, and heating thereof, and of providing all necessary and proper accommodation, fuel, light, and furniture for the gaol and courts of justice, other than the division courts, and for all officers connected with such courts; and in case the council of the city or town separate as aforesaid, and the council of the county in which such city or town is situate for judicial purposes, cannot by agreement from time to time settle and determine the amount to be so payable by such city or town respectively, then the same shall be determined by arbitration, according to the provisions of the said Act.

**2.** Sub-section twelve of section three hundred and seventy-nine of the said Act is amended by adding thereto the following

ing words: "And for regulating and settling the height, description and manner of maintaining, keeping up and laying down fences along highways or any part or parts thereof, and for making compensation for the increased expenses, if any, to persons required so to maintain, keep up or lay down such last-mentioned fences or any part thereof."

**3.** When, under the provisions of the sections four hundred and forty-seven to four hundred and seventy, both inclusive, of the said Act, a ditch is being constructed for drainage purposes along a road allowance, contracts may be made by the municipal council so constructing for spreading the earth taken from the ditch on the road; and if the road or any part thereof be timbered, or if stumps are in the way, the timber may be removed; and not less than twelve feet of the centre of the road shall be grubbed before the earth is spread upon it.

**4.** The removal of the timber, grubbing and spreading of the earth, together with such portion of the cost of the ditch as the engineer or provincial land surveyor may deem just and proper, shall be charged to the municipality and paid out of its general funds.

**5.** When it is necessary to construct such a ditch along a town line between two or more municipalities, the municipal council of either of the adjoining municipalities may, on petition, as provided for in section four hundred and forty-seven of the said Act, cause the ditch to be constructed on either side of the road allowance between the municipalities, and make the road in manner as provided in the preceding sections of this Act, and shall charge the lands and roads benefited in the adjoining municipality or municipalities with such proportion of the cost of constructing the said ditch as the engineer or surveyor aforesaid shall deem just and proper; and the amount so charged for roads, or agreed upon by the arbitrators, shall be paid out of the general funds of such municipality or municipalities.

**6.** The provisions of sections four hundred and forty-seven to four hundred and seventy, both inclusive, of the said Act shall apply as far as applicable to any such ditch.

**7.** Section four hundred and sixty of the said Act is amended by inserting before the word "provided," in the tenth line thereof, the words following: "And in any case where similar drainage has been constructed out of the general funds of the municipality previous to the passing of this Act, the council may, without petition, on the report of an engineer or surveyor, pass a by-law for preserving, maintaining and keeping in repair the same at the expense of the lots, parts of lots and roads, as the case may be, benefited by such drainage, and may assess such lots, part of lots and roads so benefited, for the expense thereof, in the same manner, by the same proceedings and subject

Power to contract to spread earth, &c., on making ditch for drainage.  
ss. 447 to 470.

Payment by municipality.

Construction of ditch on town line between municipalities.

S. 460  
amended as to  
drains con-  
structed before  
the Act.

ject to the same right of appeal as is provided with regard to drainage made and completed under the provision of this Act."

S. 447,  
sub-s. 2,  
amended.

**8.** Section four hundred and forty-seven of the said Act is hereby amended by inserting after the word "work" in the second line of the second sub-section of the said section, the words "although the same extends beyond the limits of the municipality (subject in that case to be re-imbursed as herein-after mentioned)."

S. 372,  
sub-s. 6,  
amended,  
as to aid to  
road and  
bridge com-  
panies.

**9.** Sub-section six of section three hundred and seventy-two of the said Act is hereby amended by adding thereto the words following "or for granting aid by way of bonus to any incorporated road or bridge company; provided, however, that no such by-law granting such aid by way of bonus shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts."

This Act to be  
as part of  
Municipal Act.

**10.** This Act shall be read as part of the said recited Act.

## CAP. XXXV.

An Act to provide for voting by Ballot on Municipal By-laws requiring the assent of the Ratepayers.

[Assented to 10th February, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Ballot papers  
to be printed.

**1.** Forthwith after the day for taking the votes of electors, with respect to a by-law which requires their assent, has been fixed, under the provisions of the two hundred and thirty-first section of the Act respecting the Municipal Institutions in this Province, passed in the thirty-sixth year of Her Majesty's reign, the Clerk of the Municipal Council which proposed the by-law shall cause to be printed at the expense of the Municipality such a number of ballot papers as shall be sufficient for the purposes of the voting.

Forms of.

**2.** The ballot papers shall be according to the form of Schedule A to this Act.

Council to fix  
a day for ap-  
pointment of  
persons to at-  
tend at polling

**3.** The Council will by the by-law fix a time when, and a place where the Clerk of the Council which proposed the by-law shall sum up the number of votes given for and against the

the by-law; and a time and place for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the Clerk respectively, on behalf of the persons interested in, and promoting or opposing the passage of the by-law respectively.

**4.** At the time and place named the head of the Municipality shall appoint, in writing signed by him, two persons to attend at the final summing up of the votes and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of the by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of the by-law.

**5.** Before any person is so appointed he shall make and subscribe before the Head of the Municipality a declaration in the form of Schedule B to this Act, that he is interested in and desirous of promoting or opposing (as the case may be) the passing of the by-law.

**6.** Every person so appointed before being admitted to the polling place or the summing up of the votes, as the case may be, shall produce to the Returning Officer or Clerk of the Municipality, as the case may be, his written appointment.

**7.** In the absence of any person authorized as aforesaid to attend at any polling place, or at the final summing up of the votes, any elector in the same interest as the person so absent may, upon making and subscribing before the Returning Officer or Clerk of the Municipality a declaration in the form of Schedule B to this Act, be admitted to the polling place to act for the person so absent.

**8.** During the time appointed for polling no person shall be entitled or permitted to be present in any polling place other than the officers, clerks and persons or electors authorized to attend as aforesaid at such polling place.

**9.** The Clerk of the Municipality on the request of any elector entitled to vote at one of the polling stations, who shall be appointed Returning Officer or Poll Clerk, or who shall be named as the person to attend at any polling station other than the one where he is entitled to vote, shall give to such elector a certificate that such Returning Officer, Poll Clerk or person is entitled to vote for or against such by-law at the polling station where such elector shall be stationed during the polling day, and such certificate shall also state the property or other qualification in respect to which he is entitled to vote; and on the production of such certificate, such Returning Officer, Poll Clerk or person shall have the right to vote at the polling station where he shall be placed during the polling day, instead of at the polling station of the ward or electoral division where he would otherwise

places, and for  
summing up  
votes.

Selection of  
Agents.

Agent to make  
declaration.

Admission of  
Agents to poll-  
ing place, &c.

Appointment  
in absence of  
agent.

Exclusion  
from polling  
place.

Returning  
Officers, Poll  
Clerks and  
agents may  
vote at polling  
place where  
they are em-  
ployed.

wise have been entitled to vote; and the Returning Officer shall attach the certificate to the voters' list; but no such certificate shall entitle any such elector to vote at such polling station unless he has been actually engaged as such Returning Officer, Poll Clerk or person during the day of polling;

(b) In case of a Returning Officer voting at the polling station at which he is appointed to act, the Poll Clerk, or in the absence of the Poll Clerk, any one authorized to be present at such polling station, may administer to such Returning Officer the oath required to be taken of voters qualified to vote on the by-law.

Voting to  
be by ballot.

**10.** At the day and hour fixed as aforesaid, a poll shall be held and the votes shall be taken by ballot.

Proceeding to  
be as at mu-  
nicipal elections.

**11.** The proceedings at such poll, and for and incidental to the same and the purposes thereof, shall be the same, as nearly as may be, as at Municipal Elections, and all the provisions of the Act, chapter twenty-eight of the Acts passed by the Legislature of Ontario in the thirty-eighth year of Her Majesty's reign, shall so far as the same may be applicable, and except so far as is herein otherwise provided, apply to the taking of votes under this Act, and to all matters incidental thereto.

Form of  
directions for  
guidance to  
voters.

**12.** The printed directions to be delivered to the Returning Officers shall be in the form of Schedule C to this Act, instead of in the form of Schedule B to the said Act.

Form of  
statement to  
be made by  
returning  
officers of  
result of the  
polling.

**13.** The written statement to be made by each Returning Officer at the close of the polling shall be made under the following heads :

- (a) Name of ward or electoral division, and of the municipality, and the date of the polling;
- (b) Number of votes for and against the by-law;
- (c) Rejected ballot papers.

Objections to  
ballot papers.

To be num-  
bered.

**14.** The Returning Officer shall take a note of any objection made by any person authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection : Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the Returning Officer.

Returning  
Officer's duties  
after votes are  
counted.

**15.** Every Returning Officer, at the completion of the counting of votes after the close of the poll, shall in the presence of the persons authorized to attend, make up into separate packets, sealed with his own seal, and the seals of such persons authorized to attend as desire to affix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the polling, the name of the Returning Officer, and of the ward or electoral division and municipality—

(a.)

- (a) The statement of votes given for and against the by-law and of the rejected ballot papers;
- (b) The used ballot papers which have not been objected to and have been counted;
- (c) The ballot papers which have been objected to, but which have been counted by the Returning Officer.
- (d) The rejected ballot papers;
- (e) The spoiled ballot papers;
- (f) The unused ballot papers;
- (g) The voters' list; the list of votes marked by the Returning Officer, and a statement of the number of voters whose votes are so marked under the heads, "Physical incapacity," and "Unable to read," and the declaration of inability.

**16.** Every Returning Officer shall, at the close of the poll, certify under his signature on the voters' list in full words the total number of persons who have voted at the polling place at which he has been appointed to preside, and shall before placing the voters' list into its proper packet, as aforesaid, make and subscribe before the Clerk of the Municipality, a Justice of the Peace or the Poll Clerk his solemn declaration that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made; which declaration shall be in the form of Schedule F to the said Act, and shall thereafter be annexed to the voters' list; he shall also forthwith return the ballot box to the Clerk of the Municipality.

Certificate and  
declaration of  
returning  
officer and  
return of  
voters' list  
and of ballot  
box.

**17.** Every Returning Officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place a certificate of the number of votes given at that polling place for and against the by-law, and of the number of rejected ballot papers.

Returning  
officer to certi-  
fy as to num-  
ber of votes  
and rejected  
ballot papers.

**18.** The Clerk, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, at the time and place appointed by the by-law in the presence of the persons authorized to attend or such of them as may be present, without opening any of the sealed packets of ballot papers, sum up from such statements the number of votes for and against the by-law, and shall then and there declare the result, and forthwith certify to the Council under his hand whether the majority of the electors voting upon the by-law has approved or disapproved of the by-law.

Clerk to cast  
up votes and  
declare result.

**19.** Every Officer, Clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place:

Maintaining  
secrecy of  
proceedings  
at polling.

2. No Officer, Clerk or other person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information

Voter not to be interfered with.

No information to be given as to how any one voted.

Secrecy to be maintained at counting.

Voters not to be induced to disclose votes.

Penalty for contravening this section.

Statutory declaration of secrecy to be made by officers, &c., before a poll.

Scrutiny may be had on application to County Judge.

Notice of time of scrutiny.

information as to the manner in which any voter at such polling place is about to vote or has voted;

3. No Officer, Clerk, or other person shall communicate at any time to any person any information obtained at a polling place as to the manner in which any voter at such polling place is about to vote or has voted;

4. Every Officer, Clerk and person in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the manner in which any vote is given in any particular ballot paper;

5. No person shall, directly or indirectly, induce any voter to display his ballot paper after he shall have marked the same, so as to make known to any person the manner in which he shall have marked his vote;

6. Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour.

**20.** The Clerk of the Municipality, and every Officer, Clerk or person authorized to attend a polling place, or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy, in the presence, if he is the Clerk of the Municipality, of a Justice of the Peace, and if he is any other Officer, or a Clerk, or an Agent, in the presence of a Justice of the Peace or of the Clerk of the Municipality or a Returning Officer: and such statutory declaration of secrecy shall be in the form mentioned in Schedule D to this Act, or to the like effect.

**21.** If within two weeks after the Clerk of the Council which proposed the by-law has declared the result of the voting, any elector applies upon petition to the County Judge, after giving such notice of the application and to such persons as the Judge may direct, and shows by affidavit to the Judge reasonable grounds for entering into a scrutiny of the ballot papers, and the petitioner enters into a recognizance before the Judge in the sum of one hundred dollars, with two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) in the sum of fifty dollars each conditioned to prosecute the petition with effect, and to pay the party against whom the same is brought, any costs which may be adjudged to him against the petitioner, the Judge may appoint a day and place within the Municipality for entering into the scrutiny.

**22.** At least one week's notice of the day appointed for the scrutiny shall be given by the Petitioner to such persons as the Judge may direct, and to the Clerk of the Municipality.

**23.** At the day and hour appointed, the Clerk shall attend <sup>Proceedings.</sup> before the Judge with the ballot papers in his custody, and the Judge, upon inspecting the ballot papers and hearing such evidence as he may deem necessary, and on hearing the parties, or such of them as may attend, or their Counsel, shall in a summary manner determine whether the majority of the votes given is for or against the by-law, and shall forthwith certify the result to the Council.

**24.** In case of a petition being presented, the by-law is not <sup>The passing of the by-law stayed on presenting of the petition.</sup> to be passed by the Council until after the petition has been disposed of; and the time which may intervene between the presenting of the petition and the final disposal thereof shall not be reckoned as part of the six weeks within which the bill is to be passed.

**25.** The Judge shall on such scrutiny possess the like powers <sup>Powers of Judge.</sup> and authority as to all matters arising upon such scrutiny as are possessed by him upon a trial of the validity of the Election of a member of a Municipal Council; and in all cases costs shall <sup>Costs.</sup> be in the discretion of the Judge as in the case of applications to quash a by-law, or he may apportion the costs as may seem to him just.

**26.** Sub-sections four, five and six of the two hundred and thirty-first section of the Act, chapter forty-eight of the Acts passed by the Legislature of this Province in the thirty-sixth year of Her Majesty's Reign are hereby repealed; and from and after the passing of this Act the expression "voters' list" shall be substituted for and read instead of the expression "poll book" wherever the latter expression occurs in the two hundred and thirty-second and two hundred and thirty-third sections of said Act. <sup>36 V. c. 48, s. 231, sub-sections 4, 5 and 6, repealed.</sup> <sup>"Voters' list" to be read as "poll book."</sup>

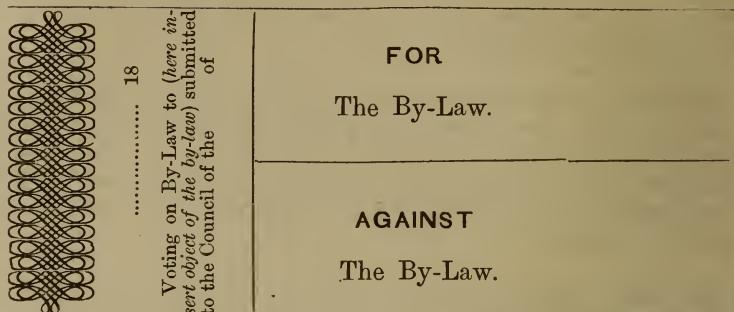
**27.** So much of section forty-one of the Act, chapter twenty-eight of the Acts passed by the Legislature of this Province in the thirty-eighth year of Her Majesty's Reign, as provides that the said Act shall not apply to the taking of votes of electors with respect to a by-law which requires their assent, is hereby repealed. <sup>Part of 38 V. c. 28, s. 41, repealed.</sup>

**28.** This Act shall take effect on the first day of March, in the year of our Lord one thousand eight hundred and seventy-six. <sup>Act operates on 1st March, 1876.</sup>

## SCHEDELE A.

(Referred to in section two.)

## FORM OF BALLOT PAPER.



## SCHEDELE B.

(Referred to in sections five and seven.)

I, the undermentioned A. B., solemnly declare that I am a rate-payer of the Township (or as the case may be) of (the Municipality the Council of which proposed the by-law), and that I am desirous of promoting (or opposing, as the case may be) the passing of the by-law to (here insert object of the by-law) submitted to the Council of said Township (or as the case may be).

(Signature)

A.B.

Made and declared before me this

day of

A.D.

C.D

Head of Municipality

## SCHEDELE C.

(Referred to in section twelve of this Act.)

## DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and, with the pencil provided in the compartment, place a cross (thus X) on

on the right hand side, in the upper space if he votes for the passing of the by-law, and in the lower space if he votes against the passing of the by-law.

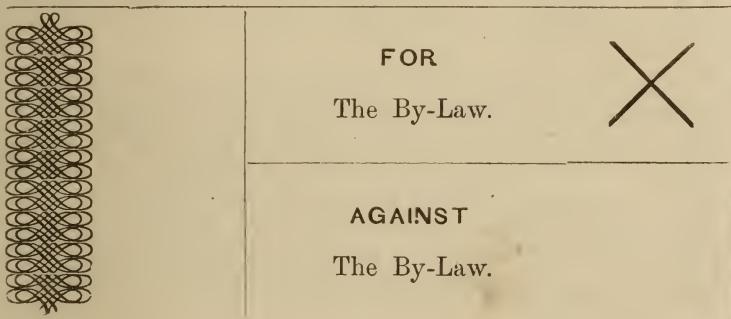
The voter will then fold up the ballot paper so as to show the name or initials of the Returning Officer signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot so folded to the Returning Officer and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he can return it to the Returning Officer, who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places on the paper more than one mark, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Returning Officer, he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

*In the following form of Ballot Paper, given for illustration, the Elector has marked his ballot paper in favour of the passing of the By-law.*



#### SCHEDULE D.

(Referred to in section twenty of this Act.)

##### FORM OF STATUTORY DECLARATION OF SECRESY.

I, A. B., solemnly promise and declare that, at the voting on the by-law submitted to the electors by the Council of the Township or (*as the case may be*) of \_\_\_\_\_ (and the voting on which has been appointed for this day), I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any elector shall vote or has voted, and will

will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge of the manner in which any elector has voted, which may come to me.

Made and declared before me at                   this                   day of  
A.D. 18

*C. D.,*

Justice of the Peace (*or Clerk*  
of the Municipality of                   )

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### CAP. XXXVI.

An Act to continue the Acts to provide for the better Government of that part of Ontario situated in the vicinity of the Falls of Niagara.

[Assented to 10th February, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

37 Vict., c. 18 continued. **1.** The Act passed in the thirty-seventh year of the reign of Her present Majesty, and chaptered eighteen, intituled "An Act to provide for the better Government of that part of Ontario situated in the vicinity of the Falls of Niagara," as amended and extended by an Act of the last Session, shall be and remain in force until the first day of October, one thousand eight hundred and seventy-nine, and thenceforth until the end of the Session of the Legislature then next ensuing, and no longer.

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### CAP. XXXVII.

An Act relating to the Municipality of Shuniah, and the tax imposed on lands in the District of Algoma.

[Assented to 10th February, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Mineral land,  
now taxable.

**1.** Mineral land in the Municipality of Shuniah shall, for the purposes of municipal taxation, be estimated at the value placed on

on land in the neighbourhood held or used for agricultural or other ordinary purposes ;

(2.) The following property in the said municipality shall be exempt from municipal taxation, namely : mills and establishments for mining, crushing, concentrating, smelting, extracting or treating gold or silver, copper, lead or other ores or metals, and saw mills, grist mills, and planing mills, and the machinery and plant thereof: But income derived from, and dividends payable to shareholders in respect of such mills and establishments shall be liable to taxation. Exemptions from taxation.

**2.** No land in any ward which has a resident population of less than five hundred shall be valued higher than one dollar an acre : Provided that where land is laid out into village, town or park lots, each lot may be valued at one dollar if the lot contains more than half an acre, and fifty cents if it contains only half an acre or less. Land in wards with population less than 500. This section varied by ch. 38

**3.** Until the village is occupied by a resident population of at least one hundred persons, no land therein, although subdivided into village, town or park lots, shall, except under the preceding section, be valued at a higher rate than adjacent lands which are not subdivided. Land subdivided into lots.

**4.** All taxes levied in any ward which has a resident population of less than five hundred persons shall, excepting ten per centum thereof and the expenses of collection, be expended within the ward in which the same are levied on roads, bridges, and other works of that kind necessary for opening up and settling such ward, and on the maintenance of a lock-up and constables in the ward if the same are required; Expenditure of taxes in wards with less population than 500.

(2.) The council of the said municipality shall be at liberty to retain and appropriate to its own use the said reservation of ten per centum and the expenses of collection ;

(3.) If for any period it may not appear to the council to be necessary to levy a rate in any ward for expenditure therein as aforesaid, the said council may, notwithstanding, levy a rate to provide for the said appropriation of ten per centum and the expenses of collection, and may assess or levy the same either annually or at longer intervals as to the council may seem proper.

**5.** Excepting so far as may be necessary for the maintenance of municipal organization and for the protection of life and property, the taxes levied in other wards shall be spent in like manner, the taxes (excepting as aforesaid) being expended in the ward in which the same are levied until the Lieutenant-Governor in Council shall remove any restriction on the expenditure thereof, which he may do on the application of the council, after a notice of the intention to apply for such removal has been published by the said council for six weeks in the *Ontario Gazette* and at least once a week for the said time in a daily newspaper. Expenditure of taxes in wards with population over 500.

newspaper in the City of Toronto, and also a newspaper, if any, published in the municipality:

**Liability extending over a term of years.**

**6.** No liability extending over a term of years shall hereafter be incurred by the said municipality, without the consent of the Lieutenant-Governor in Council.

**By-law of Shuniah as to bonus of \$35.000 for railway.**

**7.** Nothing contained in the three next preceding sections shall apply to or affect a certain by-law passed by the municipal council of the Municipality of Shuniah, authorizing a bonus of thirty-five thousand dollars in aid of a branch railway from Prince Arthur's Landing to the terminus of the Canada Pacific Railway or shall apply to or affect the moneys to be provided thereunder.

**Erection of separate municipalities.**

**8.** The Lieutenant-Governor in Council may, by proclamation, erect any ward or township, or portion of a township, in the said municipality, containing at least five hundred inhabitants, into a separate and independent municipality;

(a.) In such case the municipal and assessment laws, and laws relating to the collection of taxes applicable to the said municipality of Shuniah, shall thenceforth apply to the new municipality so constituted, and the inhabitants of the said municipality shall form a separate corporation under the name mentioned in the proclamation;

(b.) The council of such new municipality shall consist of a reeve and four councillors to be elected by a general vote, unless the municipality shall be divided by the council into wards, in which case the reeve shall be elected by a general vote and one councillor shall be elected in each ward.

**Laws applicable on erection of new municipality.**

**9.** The provisions of the Municipal Law relating to matters consequent upon the formation of new corporations, and the provisions of the eleventh section of the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "An Act to make further provision for Courts in unorganized districts, and respecting municipalities therein" shall apply to the said new municipality.

**36 V. c. 50, s. 7, amended as to voting.**

**10.** Section seven of the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "An Act to organize the Municipality of Shuniah and to amend the Act for establishing Municipal Institutions in unorganized districts" is hereby repealed, and the following substituted therefor :

**7.** At any election within the said municipality every freeholder whether resident or not, and every resident householder who has been resident in the municipality for six months next before the election, and who has paid all taxes assessed against him up to the thirty-first day of December preceding, such freeholder or householder being a male of the full age of twenty-one years shall be entitled to vote, provided he shall name, if required, the property on which he votes, and shall take, if required, the following oath : "I,

"I, A.B., (name of voter), do solemnly swear, (or affirm, if the Voters' oath. person is by law authorized to affirm in civil matters) that I am a freeholder in the township (or village) of (naming it, or if the person votes as a householder, then that he is a householder, and has been resident within the municipality [naming it], for six months next before the election and has paid all taxes assessed against him up to the thirty-first day of December last); that I am of the full age of twenty-one years, and that I have not voted before at this election for councillor for this ward. So help me God. (The person offering to vote may be required to state in the oath the property in respect of which he votes.)"

**11.** The lands embraced in the said Municipality of Shuniah or in any other existing municipality in the District of Algoma, shall not hereafter be liable to the annual tax of two cents per acre imposed under the Act intituled "An Act to impose a tax upon all patented lands situated in the Provisional District of Algoma and to provide means for the collection thereof;" and all arrears now owing on account of such taxes which have accrued since the formation of the said municipality of Shuniah or other municipality shall be remitted.

Exemption from tax of  
two cents per acre—arrears  
of tax.

**12.** No lands embraced in any municipality which may be hereafter formed within the said District of Algoma shall, after notice of the formation of such municipality has been given to the Treasurer of Ontario, be liable to the said annual tax, but such lands shall remain subject to all arrears then owing on account thereof, such arrears when collected shall in such case be the property of the Province.

Exemption in future municipalities from tax of two cents per acre—arrears.

**13.** The provisions of the first section of this Act shall apply to every municipality in the District of Thunder Bay.

Sec. 1 made to apply to Thunder Bay.

**14.** This Act shall go into force on the first day of April next.

Time for commencement of the Act.

### CAP. XXXVIII.

An Act to amend An Act of the present Session intituled "An Act relating to the Municipality of Shuniah, and the tax imposed on lands in the District of Algoma."

[Assented to 10th February, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** In order to correct a clerical error the second section of the said Act is hereby amended by the substitution of the words "two hundred and fifty" for "five hundred," where they occur in said section.

Ch. 37 of this Session amended.

## CAP. XXXIX.

An Act to extend and define the limits of the incorporated Village of Arthur, in the County of Wellington.

[Assented to 10th February, 1876.]

**Preamble.**

WHEREAS, the Council of the Incorporated Village of Arthur, in the County of Wellington, and the inhabitants of the adjacent territory, included within the boundaries hereinafter mentioned, have, by their petitions, represented that the extension of the present limits of said village by the addition of the residue of the Government survey, and the herein-after mentioned adjacent portion of the Township of Luther, would promote its future progress and prosperity, and enable its inhabitants to carry out improvements they are desirous of making, and it is expedient to grant the prayer of the said petitions :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Limits of Village.**

1. That portion of the Government survey of the Village of Arthur in the County of Wellington, as shown on the map of the same in the Crown Lands Office of the Province of Ontario, which is not already included within the limits of the incorporated Village of Arthur, and lot number one in the first and a part of lot number one in the second concession of the Township of Luther, in the County of Wellington, and which may be described as follows: that is to say, Commencing at the south-westerly angle of said lot number one in the said first concession; thence north-easterly, along the northern limit of the allowance for road between the Townships of Luther and West Garafraxa, thirty chains and twenty-six links, more or less, to the limit between lots numbers one and two; thence northerly, along the line between lots numbers one and two, one hundred and sixteen chains and thirty-seven links, more or less, to a post; thence south-westerly, parallel to the line between the said first and second concessions, thirty chains and twenty-six links, more or less, to the easterly limit of the allowance for road between the Village of Arthur and the said Township of Luther; thence south-easterly along the last mentioned limit, one hundred and sixteen chains and thirty seven links, more or less to the place of beginning; and the said allowance for road between the Village of Arthur and the Township of Luther, as far as the boundary of the said Village of Arthur extends, shall from and after the first day of December in the year of our Lord one thousand eight hundred and seventy-six, be added to the limits and form part of the said incorporated Village, subject

subject to the same provisions of law as if such addition had been made under the provisions of the "Act respecting Municipal Institutions in the Province of Ontario," except in so far as the same are inconsistent with the provisions of this Act.

**2.** The Clerks of the said Townships of Arthur and Luther, and any other officers thereof respectively, shall upon demand made upon him or them by the clerk, or any other officer of the said village at once furnish such clerk or other officer with a certified copy of so much of the last revised assessment roll for the said townships as may be required to ascertain the persons entitled to vote in the said village at the first election; in said incorporated village after said first day of December, or with the collector's roll, document, statement, writing or deed, that may be required for that purpose; and the said clerk shall furnish the returning officer or officers with true copies of so much of the said roll as relates to the names of the electors entitled to vote in the said village, and each such copy shall be verified as is required by law.

**3.** At the said first election of reeve and councillors the qualification of the electors whose names appear upon the copy of the assessment rolls furnished by the Clerks of the Townships of Arthur and Luther under the next preceding section, shall be the same as that required in townships by the municipal laws of Ontario.

**4.** The expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever required by the clerk or other officer of the council of the said townships, respectively or otherwise, shall be borne and paid by the said village council to the said township councils respectively, or any other party entitled thereto.

## CAP. XL.

### An Act to confirm the Incorporation of the Village of Bayfield, in the County of Huron.

[Assented to 10th February, 1876.]

**W**HEREAS the inhabitants of the Village of Bayfield have Preamble. by their petition represented that the population thereof now exceeds eight hundred souls, and that, by reason of the Public Works now in course of construction at the said village, and of the daily increasing business and general prosperity of the place, it is likely to increase: And whereas, the said inhabitants by their petition represent that the by-law hereto annexed

annexed was duly passed by the Council of the Corporation of the County of Huron on the fifth day of December, in the year of our Lord one thousand eight hundred and seventy-five: And whereas, under section eighty-six of the Act respecting Municipal Institutions in the Province of Ontario, the first election under a by-law erecting a locality into an incorporated village, should take place on the first Monday in January next after the end of three months from the passing of the by-law by which the change was made, and that until such day the change should not go into effect, and that it would be productive of great benefit to the petitioners that the election to be held on the first Monday of January in the year one thousand eight hundred and seventy-six, should be confirmed:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**By-law No. 12  
of County of  
Huron con-  
firmed.**

**Election of  
reeve and  
councillors  
confirmed.**

**Limits of  
Village of  
Bayfield.**

**Certain provi-  
sions of the  
Municipal In  
stitutions Acts  
to apply to the  
Village of  
Bayfield.**

**1.** The said by-law of the County Council of Huron, a copy of which is set forth in the Schedule to this Act annexed, marked A, incorporating the Village of Bayfield, is hereby confirmed, as if the incorporation of the said village had gone into effect on the fourth day of December, one thousand eight hundred and seventy-five.

**2.** The election of reeve and councillors for the Village of Bayfield, held under the said by-law, on Monday the third day of January, in the year one thousand eight hundred and seventy-six is hereby confirmed; and the Reeve of the said Village of Bayfield then elected shall have a seat in the county council for the County of Huron, for the year one thousand eight hundred and seventy-six.

**3.** The said Village of Bayfield shall comprise and consist of the parcels and lots of land enclosed within the boundaries hereinafter mentioned, that is to say: Commencing at the northwest corner of the Bayfield town plot, in the Township of Stanley, in the County of Huron; thence easterly along the Bayfield River to the eastern limit of lot number fourteen, range A; thence south along the concession to the southern limit of lot number eight, range G; thence west along the side road to the Lake Shore; thence north along said Lake Shore to the place of beginning; and also of the south halves of lots numbers one, two, three and four, and the west half of lot number five, in the Bayfield concession, in the Township of Goderich, in the County of Huron.

**4.** Except as herein specially enacted, all the provisions of the Acts passed by the Legislature of the Province, respecting municipal institutions in the Province of Ontario, are hereby declared to apply to the said village, in the same manner and to the same extent in all respects as if the said village had been incorporated under the provisions of those Acts.

## SCHEDULE A.

No 12.]

BY-LAW.

[1875.

Constituting the Village of Bayfield, in the Townships of Stanley and Goderich, in the County of Huron, an Incorporated Village, and defining the limits thereof.

Whereas over one hundred resident freeholders and householders, one-half of whom are freeholders of the unincorporated village at present known as the Village of Bayfield, in the Townships of Stanley and Goderich, in the County of Huron, have by petition to the Council of the County of Huron petitioned that the said village, within the limits and boundaries hereinafter mentioned, may be erected into an incorporated village apart from the said Townships of Stanley and Goderich : And whereas, by and under the direction of the County Council of the said County of Huron, a census has been taken by James C. McIntosh, Esq., of the number of inhabitants comprised within the limits which are hereinafter described and provided to be erected into an incorporated village, and by such census, duly proved before the said county council, it is shown that the said limits contain eight hundred and forty-six (846) inhabitants:

Be it therefore enacted by the Council of the Corporation of the County of Huron, and the said council hereby enacts as follows:—

1st. That the following limits, that is to say : The Bayfield town plot, containing two hundred acres ; lot one in range D ; lots one, two, six, seven, eight and eleven, in range E ; lots five, seven, eight and eleven in range F ; lots one, two and six in range K ; lot one in range N ; lots three, four, six and eight in range M, in the Township of Stanley ; south half lots one, two, three, four and the west half of lot five in the Bayfield concession, in the Township of Goderich, covering an area of five hundred acres of land in both said Townships, be erected and constituted into an incorporated village, separate and apart from the Townships of Stanley and Goderich, under and subject to the several provisions of the Municipal Act of the Province of Ontario.

2nd. That the said village incorporated by this by-law, is hereby incorporated by the name of Bayfield.

3rd. That the first election for reeve and councillors for the Village of Bayfield shall be held in the Orange Hall, in said Village of Bayfield, on the day and in the manner provided for the annual municipal election under the Municipal Act of the Province of Ontario, 36 and 37 Victoria.

4th. That John Rutledge, Esq., is hereby appointed Returning Officer to hold the said first election.

5th. That this by-law shall take effect from and after the 25th day of December, 1875.

(Signed) WILLIAM YOUNG, *Warden.*

(Signed) PETER ADAMSON, *County Clerk.*

Certified to be a true copy.

[Corporation Seal.]

PETER ADAMSON, *County Clerk.*

CAP.

## CAP. XLI.

## An Act to incorporate the Village of Grimsby, in the County of Lincoln.

[Assented to 10th February, 1876.]

**Preamble.**

WHEREAS, the inhabitants of the Village of Grimsby, in the County of Lincoln, have, by their petition, represented that there is a population of seven hundred and fifty souls resident within the said Village of Grimsby, and by reason of the rapid increase of the population of the said village, and in order to promote its progress and prosperity, and in compliance with a resolution passed at a public meeting duly convened to consider the matter of incorporation and numerously attended, it is desirable that the said Village of Grimsby should be incorporated under the name of "The Corporation of the Village of Grimsby, in the County of Lincoln, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Incorporation of the Village of Grimsby.**

**1.** On and after the passing of this Act, the inhabitants of the said Village of Grimsby, comprised within the boundaries hereinafter mentioned, shall be and they are hereby constituted a corporation or body politic under the name of "The Corporation of the Village of Grimsby," and shall enjoy all such rights, powers and privileges as are now or shall hereafter be conferred upon incorporated villages in the Province of Ontario.

**Boundary of village.**

**2.** The said Village of Grimsby shall comprise and consist of the following lots and parts of lots—that is to say: Commencing at a point on the shore of Lake Ontario, which said point is the north-east corner of the broken front lot number eight; thence south eighteen degrees, west fifteen chains and sixty links more or less to the base line of the said township; thence north seventy-two degrees, west, along said base line ten chains, more or less, to the centre of lot number eight in the first concession of the said township; thence south eighteen degrees, west up the centre of the said lot number eight, fifty chains, more or less, to the southern limit of the said first concession; thence north seventy-two degrees, west, along said southern limit, twenty-three chains and seventy links more or less to a certain lot of land at present owned by, and in possession of, William Augustus Cole, and forming parts of lots numbers nine and nine respectively in the first and second concessions of Grimsby Township; thence southerly, along the eastern limit of said William Augustus Cole's lot, thirteen chains and eighty links more or less, to the foot of the mountain; thence westerly, along the foot of the mountain, following its various windings and

and crossing lots numbers ten, eleven and twelve in the said second concession, to the western limit of said lot number twelve ; thence north eighteen degrees east, along said western limit of said lot number twelve, in said second concession, thirty-six chains more or less to the northern boundary of the Great Western Railway Company's property, running through said lot number twelve; thence easterly along the said northern boundary thirty chains, more or less, to the centre of said lot number eleven ; thence north eighteen degrees east, along the centre of said lot number eleven, thirty chains more or less, to the base line aforesaid ; thence south seventy-two degrees east, along said base line, ten chains more or less to the eastern limit of said lot number eleven ; thence north eighteen degrees east, along said eastern limit of said lot number eleven, twenty-three chains and eighty links, more or less, to the shore of Lake Ontario ; thence easterly, along the said shore of Lake Ontario, following its various windings in front of broken front lots numbers ten, nine and eight, sixty-four chains more or less to the place of beginning, containing exclusively of the Grimsby Pond and Public Roads, five hundred acres of land be the same more or less.

**3.** Immediately after the passing of this Act it shall be law-  
ful for Walter H. Nelles, who is hereby appointed the return-  
ing officer, to hold the nomination for the first election of  
reeve and councillors at the town hall in the said Vil-  
lage of Grimsby, at the hour of noon, and he shall give  
one week's notice thereof, posted up in at least three con-  
spicuous places in the said village ; and he shall preside at such  
nomination, or in case of his absence the electors present shall  
choose from amongst themselves a chairman to officiate, who shall  
have all the powers of a returning officer ; and the polling for  
the said election, in the event of there being a poll required, shall  
be held on the same day of the week in the week next following  
the said nomination ; and the duties of the returning officer  
shall be those prescribed by law with respect to incorporated  
villages.

First election  
of reeve and  
councillors.

**4.** At the first election of reeve and councillors the quali-  
fication of the electors and of the reeve and officers shall be  
the same as that required in townships ; and at all subsequent  
elections the qualifications of electors, and of the reeve,  
councillors and other officers shall be the same as that required  
in incorporated villages.

Qualifications  
of electors,  
reeves and  
officers.

**5.** The Township Clerk of the Township of Grimsby shall furnish the Clerk of the Corporation of the Village of Grimsby, when demanded by him, a certified copy of so much of the last revised Assessment Rolls of the Township of Grimsby, as show the persons assessed and the amount of such assessment within the limits of the Corporation of the Village of Grimsby.

Clerk of  
Township of  
Grimsby to  
furnish copies  
of assessment  
rolls to Clerk  
of Village of  
Grimsby.

Municipal Act  
to apply to  
this Act.

**6.** All provisions of "The Municipal Institutions Act" of Ontario, so far as the same relate to the incorporation of villages, shall be taken to apply to matters consequent upon the incorporation of the Village of Grimsby, the same as if the said village had been incorporated under the said Act.

Expenses of  
assessment to  
be borne by  
the village.

**7.** The expenses incurred to obtain this Act and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever required from the Corporation of the Township of Grimsby, shall be borne and paid by the Corporation of the Village of Grimsby.

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## CAP. XLII.

### An Act to incorporate the Village of L'Original.

[Assented to 10th February, 1876.]

#### Preamble.

**W**HEREAS a majority of the freeholders and householders of the Village of L'Original have, by their petition, set forth that it would greatly conduce to the benefit of the said village to be incorporated:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

#### Limits of the Village of L'Original.

**1.** The Village of L'Original is hereby declared to consist of all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Longueuil, in the Province of Ontario, and which is butted and bounded as follows, that is to say:—Commencing at a point in the Ottawa River at the intersection of the westerly boundary of the Township of West Hawkesbury, produced northerly, and the line in the Ottawa River dividing the Provinces of Ontario and Quebec; thence southerly along the said westerly boundary of West Hawkesbury, to the road known as the Telegraph Road to Ottawa; thence westerly along the northerly side of said road to the point known as the Four Corners, in the Township of Longueuil; thence northerly along the eastern limit of the road between the farms of J. C. Marston and A. Cass, leading towards L'Original, to the angle of said road known as Cass' Corners; thence in a direct line across the farm of James Murray to the south-west angle of the Johnson lot; thence northerly along the west limit of said lot to the south-west angle of Olivier St. Julian's lot; thence northerly along the west limit of said lot, to the intersection of the said limits produced with the line in the Ottawa River dividing the Provinces of Ontario

Ontario and Quebec; and thence easterly along said dividing line in the Ottawa River to place of beginning, containing about three thousand eight hundred acres of land, be the same more or less.

**2.** The inhabitants of the said village are hereby constituted <sup>Incorporation.</sup> a body corporate apart from the Township of Longueuil, by the name of "The Corporation of the Village of L'Orignal." <sup>Corporate name.</sup>

**3.** Except as herein specially provided, all the provisions of <sup>Municipal Act to apply.</sup> the Act passed in the thirty-sixth year of Her Majesty's reign and intituled "An Act respecting Municipal Institutions in the Province of Ontario," and of the Acts amending the same, are hereby declared to apply to the said village, in the same manner and to the same extent in all respects as if the said village had been incorporated under the provisions of the said Act.

**4.** Immediately after the passing of this Act it shall be <sup>First election of reeve and councillors.</sup> lawful for Eden Abbot Johnson, who is hereby appointed the returning officer, to hold the first election of reeve and councillors at the court house, in the said Village of L'Orignal, at the hour of noon, and he shall give one week's notice thereof, posted up in at least three conspicuous places in the said village; and he shall preside at such nomination, or in case of his absence the electors present shall choose from amongst themselves a chairman to officiate, who shall have all the powers of a returning officer; and the polling for the said election, in the event of there being a poll required, shall be held on the same day of the week in the week next following the said nomination; and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

**5.** At the first election of reeve and councillors the qualification of the electors and of the reeve and officers shall be the same as that required in townships; and at all subsequent elections the qualifications of electors, and of the reeve, councillors and other officers shall be the same as that required in incorporated villages. <sup>Qualifications of electors, reeves and officers.</sup>

**6.** The township clerk of the Township of Longueuil shall furnish the clerk of the corporation of the Village of L'Orignal, when demanded by him, a certified copy of so much of the last revised assessment rolls of the Township of Longueuil as show the persons assessed and the amount of such assessment within the limits of the corporation of the Village of L'Orignal. <sup>Clerk of Township of Longueuil to furnish copies of assessment rolls to Clerk of Village of L'Orignal.</sup>

**7.** The reeve and councillors so to be elected shall hold their <sup>First meeting of Council.</sup> first meeting at the said court house, at the hour of noon on the same

same day of the week in the week next following the polling, or if there be no polling, on the same day of the week next following the nomination.

Rights, powers  
and privileges.

**8.** After the passing of this Act the said village shall have all the rights, powers and privileges of incorporated villages in Ontario, and shall be subject to and governed by the same laws as are now or may hereafter be in force respecting such incorporated villages.

Expenses of  
Act and of  
furnishing  
documents.

**9.** The expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever required by the clerk or other officer of the said village or otherwise, shall be borne by the said village, and paid by it to any party that may be entitled thereto.

## CAP. XLIII.

### An Act to amend the Act to incorporate the Town of Meaford.

[Assented to 10th February, 1876.]

Preamble.

WHEREAS by the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered sixty-eight, intituled "An Act to Incorporate the Town of Meaford," no provision was made by which the real property of the Township of St. Vincent (of which the said Town of Meaford theretofore formed a part), situate in Meaford, should become the property of the Town of Meaford: And whereas it is desirable that the said property should become the property of the Town of Meaford:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain provi-  
sions of the  
Mun. Ins. Act  
to apply to the  
Town of Mea-  
ford.

**1.** All the provisions of the Municipal Institutions Act of Ontario, so far as the same relate to the disposition of real property in the case of the incorporation of a village, shall be taken to apply to the incorporation of the Town of Meaford, the same as if the said Town of Meaford had been incorporated under the said Municipal Institutions Act.

Section 1 of  
this Act embo-  
died in 37 V.  
c. 68.

**2.** The preceding section shall be construed as if it had been enacted by and embodied in the said Act passed in the thirty-seventh year of Her Majesty's reign, and chaptered sixty-eight, intituled "An Act to Incorporate the Town of Meaford."

## CAP. XLIV.

An Act to incorporate the Village of Newboro', in the County of Leeds.

[Assented to 10th February, 1876.]

**W**HEREAS the inhabitants of the Village of Newboro' Preamble. have by their petition represented that by reason of the rapid increase of the population of the said village, and in order to promote its progress and prosperity, and in compliance with a resolution passed at a public meeting duly convened to consider the matter of incorporation, and numerously attended, it is desirable that the said Village of Newboro' should be incorporated under the name of "The Corporation of the Village of Newboro'"; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** On and after the passing of this Act, the inhabitants of the said Village of Newboro', comprised within the boundaries hereinafter mentioned, shall be and they are hereby constituted a body corporate, separate and apart from the Townships of North Crosby and South Crosby, in which the said village is now situate, under the name of "The Corporation of the Village of Newboro'", and shall enjoy all such rights, powers and privileges as are now or shall be hereafter conferred on incorporated villages in the Province of Ontario.

**2.** The said Village of Newboro' shall comprise and consist of the following lots and parcels of land, that is to say: the village. Broken lot number twenty-six, and the gore of lot number twenty-seven in the fourth, fifth and sixth concessions of the Township of South Crosby, including the islands in the said sixth concession lying westerly of lots numbers twenty-six and twenty-seven in the said sixth concession; and lots number one in the fourth and fifth concessions, and broken lot number one and the south-east half of lot number two in the sixth concession of the Township of North Crosby, and the several allowances for road lying between the said lots or any of them and between the said concessions or any of them, containing by admeasurement six hundred acres, be the same more or less.

**3.** Immediately after the passing of this Act, it shall be lawful for George Bell, Esquire, of the said Village of Newboro', who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and councillors at the town hall in the said village, at the hour of noon; and he shall give one week's written notice thereof, posted up in at least

Appointment  
of returning  
officer for first  
election;

his duties.

Qualification  
of voters, &c.

Township  
clerks to  
furnish copies  
of rolls.

Oath of office.

**4.** At the first election of reeve and councillors, the qualification of the electors and of the reeve and officers required to qualify shall be the same as that required in townships; and at all subsequent elections the qualification shall be the same as that required in incorporated villages.

**5.** The township clerks of the Townships of South Crosby and North Crosby shall furnish to the returning officer, upon demand made by him for the same, a certified copy of so much of the last revised assessment rolls of the said townships respectively as may be required to ascertain the persons entitled to vote at such first election, or with the collector's roll, document, writing or statement that may be required, which copies shall be verified on oath, or as now required by law.

**6.** The said returning officer, before holding the said election, shall take the oath or affirmation now required by law to be taken by returning officers for incorporated villages in Ontario: After the first election holden under this Act the elections for the said Village of Newboro' shall be held in conformity with the provisions of the municipal law applying to incorporated villages in Ontario.

Oaths of office.

**7.** The several persons who shall be elected or appointed at the first election of reeve and councillors under this Act, shall take the same oaths of office and of qualification as are now prescribed by law for reeves and councillors in townships.

Council, how  
composed and  
organized.

**8.** The council of the said Village of Newboro' to be elected under this Act shall consist of the reeve, who shall be the head thereof, and four councillors, and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the said nomination, and at subsequent elections in the same manner as in villages incorporated under the provisions of the Municipal Act in Ontario.

Certain pro-  
visions of the  
Municipal Act  
to apply.

**9.** The provisions of the Municipal Law relating to matters consequent upon the formation of new Municipal Corporations, and the provisions of the Municipal Law of Ontario, shall apply to the said village in the same manner as if it had been formed under

**6.** The said returning officer, before holding the said election, shall take the oath or affirmation now required by law to be taken by returning officers for incorporated villages in Ontario: After the first election holden under this Act the elections for the said Village of Newboro' shall be held in conformity with the provisions of the municipal law applying to incorporated villages in Ontario.

**7.** The several persons who shall be elected or appointed at the first election of reeve and councillors under this Act, shall take the same oaths of office and of qualification as are now prescribed by law for reeves and councillors in townships.

**8.** The council of the said Village of Newboro' to be elected under this Act shall consist of the reeve, who shall be the head thereof, and four councillors, and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the said nomination, and at subsequent elections in the same manner as in villages incorporated under the provisions of the Municipal Act in Ontario.

**9.** The provisions of the Municipal Law relating to matters consequent upon the formation of new Municipal Corporations, and the provisions of the Municipal Law of Ontario, shall apply to the said village in the same manner as if it had been formed under

under the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "An Act respecting Municipal Institutions in the Province of Ontario."

**10.** From and after the passing of this Act the said village shall cease to form part of the Townships of South Crosby and North Crosby, and shall to all intents and purposes form a separate and independent municipality, with all the rights, privileges and jurisdiction of an incorporated village in Ontario. Village to be a separate municipality.

**11.** The expenses of furnishing copies of the assessment rolls or any documents or copies of papers or writings, by the clerk or other officers of the councils of the said Townships of South Crosby and North Crosby hereinbefore referred to, or required to be furnished or incurred in obtaining this Act, shall be borne and paid by the said village council to the parties respectively entitled thereto. Expense of furnishing rolls, etc.

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## CAP. XLV.

### An Act to incorporate the Town of Waterloo, in the County of Waterloo.

[*Assented to 10th February, 1876.*]

**W**HEREAS the inhabitants of the incorporated Village of Waterloo, in the County of Waterloo, have by their petition represented that the said village has a population of nearly nineteen hundred, and that the population of said village is rapidly increasing; and in order to enable the inhabitants to make and carry out certain necessary improvements, and in compliance with a resolution passed by the Council of the Corporation of the said Village of Waterloo, it is desirable that the said village be incorporated as a town, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The incorporated Village of Waterloo, in the County of Waterloo, shall, from and after the passage of this Act, be and the same is hereby incorporated as a town, and shall thereafter be known as the Corporation of the Town of Waterloo, and have all the rights, powers, privileges and liabilities of an incorporated town, in the same manner as if the same had been incorporated under the provisions of the "Act respecting Municipal Institutions in the Province of Ontario," except in so far as the same are inconsistent with the provisions of this Act. Incorporation.

**Existing by-laws to remain in force.**

**2.** All by-laws, rules and regulations which may be in force in the Village of Waterloo at the time of its becoming incorporated as a town under this Act, shall continue and be in force as if they had been passed by the Corporation of the Town of Waterloo; and with reference to any such by-law the mayor for the time being of the said town shall have and possess all the powers had or possessed by the reeve of the said village.

**Existing debentures.**

**3.** All debentures heretofore authorized under any by-law of the said Village of Waterloo, and whether the same had been issued or not, shall be valid and binding upon the said Corporation of the Town of Waterloo.

**Liabilities of the Village to be assumed by the Town.**

**4.** The assets, debts, liabilities and obligations of the Village of Waterloo at the time of its incorporation as a town under this Act, shall belong to and be assumed and paid by the Corporation of the Town of Waterloo.

**Power of present Council.**

**5.** The Council of the Corporation of the Village of Waterloo shall continue to exercise all the powers and functions appertaining to, and shall be the Council of the Corporation of the Town of Waterloo from and after the date of incorporation as aforesaid, until such time as a new Council shall be elected under the provisions of this Act.

**Election of mayor, reeve and councillors.**

**6.** In order to enable the said corporation to have the immediate benefit of the operation of the powers conferred by this Act, it shall be lawful for Frederick Colquhoun, who is hereby appointed the returning officer for that purpose, immediately after the passing of this Act, to hold the nomination for the first election of mayor, reeve and councillors, at the Town Hall, at the hour of noon, on such day as he may, by notice, appoint, of which he shall give one week's notice in the newspapers published in the said Town of Waterloo, and also by the like notice by printed posters or bills, posted up in at least two conspicuous places in each ward of said town, and at which nomination aforesaid the said Frederick Colquhoun shall preside, or in the case of his absence the electors present shall choose from among themselves a chairman to officiate who shall have all the powers of a returning officer; and the polling for the said election, if any there be necessary, shall be held on the same day of the week in the week next following the said nomination.

**If polling necessary, deputy returning officers to be appointed.**

**7.** In the event of such polling becoming necessary, the said returning officer shall by his warrant appoint a deputy returning officer for each of the wards into which the said town is divided; and in the discharge of their duties each returning officer and deputy returning officer shall, before holding the said election, take the oath or affirmation now required by law, and shall be respectively subject to all the provisions of the existing Municipal Acts applicable to returning officers

at

at Elections in Towns, as far as the same do not conflict with this Act, and the said returning officer shall, with respect to the said election, have all the powers and perform the several Powers of duties of town clerks with respect to municipal elections in <sup>returning</sup> <sub>officer.</sub> towns.

**8.** The Town of Waterloo is divided into four wards, in manner described in the Schedule to this Act, to be named North Ward, East Ward, South Ward, and West Ward. Wards.

### SCHEDULE.

#### WARDS OF THE TOWN OF WATERLOO.

North Ward—Shall comprise all that part of the said town which is bounded as follows:—That is to say, commencing at a point made by the intersection of a line drawn through the centre of Erb Street with a line drawn through the centre of King Street, as the said streets are laid down on the registered plans of the surveys of Elias and Jacob Snider and John Hoffman; thence northerly along the said centre line of King Street by the various courses thereof to the northern limit of said town; thence easterly, along said northern limit to the eastern limit of the said town; thence southerly, along the said eastern limit to the point of the intersection of the centre line of the Waterloo and Bridgeport Public Road with the said eastern limit; thence along the centre line of the said Public Road, by its various courses to the point of the intersection of the same with the centre line of Erb Street aforesaid; thence along the said centre line of Erb Street to the place of beginning.

East Ward—Shall comprise all that part of the said town which is bounded as follows:—That is to say, commencing at the same point of beginning as in the North Ward, thence southerly along the said centre line of King Street, by its various courses to the southern limit of said town; thence easterly along the said southern limit to the eastern limit of said town; thence northerly, along said eastern limit to the point of intersection of the centre line of the Waterloo and Bridgeport Public Road with said eastern limit; thence along the centre line of said Public Road, by its various courses to the point of the intersection of the same with the centre line of Erb Street aforesaid; thence along the said centre line of Erb Street to the place of beginning.

South Ward—Shall comprise all that part of the said town which is bounded as follows:—That is to say, commencing at the same point of beginning as in the North Ward; thence southerly along the said centre line of King Street, by the various

various courses thereof to the southern limit of the said town ; thence westerly along the said southern limit to the western limit of said town ; thence northerly along said western limit to the point of intersection of the said centre line of Erb Street with said western limit ; thence along said centre line of Erb Street to the place of beginning.

West Ward—Shall comprise all that part of the said town which is bounded as follows :—That is to say, commencing at the same point of beginning as in the North Ward ; thence northerly along the said centre line of King Street, by the various courses thereof to the northern limit of said town ; thence westerly along said northern limit to the western limit of said town ; thence southerly along said western limit to the point of intersection of the said centre line of Erb Street with said western limit ; thence along said centre line of Erb Street to the place of beginning.

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## CAP. XLVI.

### An Act to Incorporate the City of St Catharines and to authorize the said City to negotiate a Loan to pay existing Debentures.

[Assented to 10th February, 1876.]

**Preamble.**

WHEREAS the limits of the Town of St. Catharines, in the County of Lincoln, have been by proclamation in the *Ontario Gazette* extended : And whereas the corporation of the said town have by their petition represented that the said town with its extended limits contains a population of eleven thousand and seventy-five souls, and that the said population is rapidly increasing, and owing to the situation and location of the said town on the present and proposed enlarged Welland Canal, it has become a large manufacturing place, and from its celebrity on account of the mineral springs attracts a large number of people annually to the said town : And whereas the said corporation by its petition have asked to become incorporated into a city : And whereas by an Act passed by the late Province of Canada, in the twentieth year of Her Majesty's reign, intituled an Act to authorize the Town of St Catharines to negotiate a loan of forty-five thousand two hundred and forty-eight pounds, to consolidate the debt of the town and for other purposes : And whereas, by virtue of said last recited Act, the said Town of St Catharines did issue debentures to that amount, and that about thirty thousand pounds sterling thereof still remain unpaid and will shortly mature : And whereas the said corporation have petitioned for permission to issue

issue debentures and to borrow money thereon for the purpose of retiring such debentures :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** On and after Monday, the first day of May, next after the passing of this Act, the said Town of St. Catharines shall be incorporated as a city, under the name of the corporation of the City of St. Catharines, and shall enjoy all the rights, powers and privileges enjoyed and exercised by incorporated cities in this Province.

**2.** It shall be lawful for John Rollison, of the Town of St. Catharines, Esquire, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, at the City Hall, in the said City of St. Catharines, at the hour of ten o'clock in the forenoon, on the said first day of May, and for the deputy returning officers appointed as hereinafter directed, to hold the nominations for aldermen at twelve o'clock noon, of the same day in each ward of the said city, and the said John Rollison shall preside at the said nomination for mayor, and the said deputy returning officers shall preside at the nominations for aldermen, or in case of the absence of the said returning officer or any of the deputy returning officers, the electors present shall choose from among themselves a chairman to preside at the said nomination or nominations, and such chairman shall have all the powers of returning officer or deputy returning officer as the case may be, and if a poll be required, the polling for the said elections shall take place one week thereafter at the place or places at which the said nominations may have been held.

**3.** The said returning officer shall by his warrant appoint a Deputy Returning Officer for each of the wards into which the said city is divided; and such returning officer and each of such deputy returning officers shall, before holding the said elections, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at elections in cities, in so far as the same do not conflict with this Act; and the said deputy returning officers shall have all the powers and perform the several duties devolving on deputy returning officers with respect to municipal elections in cities.

**4.** The Clerk of the Township of Grantham, and any other officer thereof, shall upon demand made upon him by the said returning officer or any other officer of the said town, or by the chairmen hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said township as may be

be required to ascertain the names of the persons entitled to vote in each of the said Wards at the said first election, or with the collector's roll, document, statement, writing or deed that may be required for that purpose: And the said returning officer shall furnish each of the said deputy returning officers with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

**The Council.**

**5.** The council of the said city to be elected in manner aforesaid shall consist of a mayor, who shall be the head thereof, and eighteen aldermen, three aldermen being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of nomination, and subsequent elections shall be held in the same manner as in cities incorporated under the provisions of the municipal laws of Ontario; and the said council and their successors in office, shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal law in city councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

**Declaration of office.**

**6.** The several persons who shall be elected or appointed under this Act shall take the declaration of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in cities.

**Qualification of electors and members of the Council.**

**7.** At the first election of mayor and aldermen the qualification of the electors and of the mayor, aldermen and officers in that part of the corporation not including the said extended limits shall be the same as that required in towns for electors, mayors, reeves and councillors; and the qualification of the electors, mayor, aldermen and officers in the said extended limits shall be the same as that required in townships for electors, reeves and councillors; and at all subsequent elections the qualifications of the electors, mayor, aldermen and officers shall be the same as that required in cities; and at such first election the electors shall vote in the several wards as defined by the said proclamation.

**Voters' lists.**

**8.** The last revised assessment rolls and voters' lists respectively of that part of the said Township of Grantham embraced in the said extended limits, and of the said Town of St. Catharines, shall be taken to be the roll and voters' lists for any future municipal or parliamentary election in the said city until a new assessment be made by the said city, and the same be formally revised and the voters' lists thereunder duly completed.

**Property and assets of the town.**

**9.** The property, assets, debts, liabilities and obligations of the Town of St. Catharines shall belong to and be assumed and paid by the Corporation of the City of St. Catharines.

**10.** And be it further enacted, that notwithstanding anything contained in the said recited Act passed in the twentieth year of Her Majesty's reign, chaptered ninety, intituled as aforesaid, the said Corporation of the City of St. Catharines may issue debentures in such sums, to such amounts, and either in Canadian currency or sterling, not inconsistent with the Municipal Institutions Act of Ontario, for the creation and incurring of debts : Provided always, that the said corporation shall not issue debentures under this Act except sufficient to renew old debentures now outstanding : and it shall not be necessary to obtain the assent of the electors of the said city to the passing of any by-law under this section, or to observe the formalities in relation thereto, prescribed by "An Act respecting Municipal Institutions in the Province of Ontario," or any Act amending the same.

**11.** All sections of the said Act passed in the twentieth year of Her Majesty's reign, chaptered ninety, inconsistent herewith are hereby repealed.

**12.** Sections twenty and twenty-one and the sub-sections to said section twenty of the Municipal Institutions Act of one thousand eight hundred and seventy-three are incorporated in this Act.

**13.** The provisions of the municipal law relating to matters consequent upon the formation of new municipal corporations, and the other provisions of the municipal law of Ontario, shall, except so far as herein otherwise provided, apply to the said corporation of the City of St. Catharines, in the same manner as if the said town had been erected into a city under the Act passed in the thirty-sixth year of Her Majesty's reign, intituled " An Act respecting Municipal Institutions in the Province of Ontario," except that the said city shall remain subject to the jurisdiction of the county council, in the same manner as a town not separated from the county ; but the said city may withdraw from such jurisdiction in the same manner as a town not separated from the county.

**14.** Nothing in this Act contained shall in anywise affect the claim of the Province of Ontario in respect of the debt contracted under the Act establishing a Consolidated Municipal Loan Fund for Upper Canada and Acts amending the same, or the claims of the holders of the debentures issued in respect of the said debt, under the provisions of the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered forty-seven, and intituled " An Act respecting the Municipal Loan Fund debt and respecting certain payments to municipalities."

Power to issue  
debentures to  
renew old  
debentures.

Inconsistent  
sections of 20  
V., c. 90,  
repealed.

Certain sec-  
tions of 35 V.,  
c. 48, incorpo-  
rated into  
this Act.

Certain pro-  
visions of the  
municipal law  
to apply to the  
city of St.  
Catharines.

This Act not  
to affect the  
claim of the  
Province under  
the municipal  
loan fund.

## CAP. XLVII.

## An Act to amend the Act for the construction of Water Works in the Town of St. Catharines.

[Assented to 10th February, 1876.]

## Preamble.

**W**HEREAS the Corporation of the Town of St. Catharines have, by their petition, prayed that an Act may be passed to amend the Act passed in the twentieth year of Her Majesty's reign, chapter ninety-one, intituled "An Act for the construction of Water Works in the Town of St. Catharines, and to define and extend the powers and duties of the Water Commissioners for the said Town;" and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

20 V., c. 91,  
s. 1, repealed.

**1.** Section one of the said Act is hereby repealed, and the following enacted in lieu thereof:

## Name.

1. The persons now elected under the authority of the said Act, and their successors in office to be elected in the manner hereinafter mentioned, do and shall constitute a body corporate under the name of "The Water Works Commission of the Town of St. Catharines."

Sec. 4, re-pealed.

**2.** Section four of the said Act is hereby repealed, and the following enacted in lieu thereof:

Entry upon lands.

4. It shall and may be lawful for the said commissioners, their agents and servants and workmen, from time to time, and at such times hereafter as they may think fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, or body politic or corporate, in the Town of St. Catharines or in any part of either of the Counties of Lincoln or Welland, and to survey, set out and ascertain such parts thereof as they may require for the purposes of the said water works, and also to divert and appropriate any spring or stream of water or watercourse thereon as they may deem suitable and proper, and to contract with the owners and occupiers of the said lands, and those having an interest or right in the said water, for the purchase thereof or of any part thereof, or of any privileges that may be required for the purposes of the said water works commission; and in case of any disagreement between the said commissioners and the owners or occupiers, or any other person interested in such lands, or any person having an interest in the said water, or the natural flow thereof, or any such privilege as aforesaid respecting the amount of

## Reference to Arbitration.

of purchase or value thereof, or as to the damage such appropriation shall cause to them, or otherwise, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely: the commissioners shall appoint one, the owner or owners or other person interested shall appoint another, and such two arbitrators shall, within ten days of their appointment, appoint a third arbitrator, but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the judge of the county court of the county in which the said land is situate shall, on application by either party, appoint such third arbitrator: In case any such owner or Lands of In-occupier, or other person interested therein shall be an infant, fants, &c. married woman, idiot or insane person, or absent from the Province, or shall refuse to appoint an arbitrator on his behalf, or shall neglect to make such appointment for two weeks after notice to be served on him by the commissioners, then it shall be lawful for the judge of the county court of the county in which the said land is situate, on application being made to him by the commissioners, to appoint an indifferent person as arbitrator on behalf of such person under disability, or refusing or neglecting to appoint an arbitrator as aforesaid: The arbit- Award. trators to be appointed as hereinbefore mentioned shall award, determine, adjudge and order the respective sums of money which the commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators shall be final and binding on all parties interested therein: And the arbitrators to be appointed as aforesaid shall be and they are hereby required to attend at some convenient place at or in the vicinity of the said town, to be appointed by the said commissioners, after eight days' notice to be given to them by the said commissioners, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and each arbitrator shall, before entering on his said duties, be Oaths of Arbitrators. sworn before one of Her Majesty's justices of the peace in and for the county in which their sittings shall be held, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the value or damages between the parties to the best of his judgment: Provided always, that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench or Common Pleas, in the same manner and on the same ground as in ordinary cases of arbitration; in which case a reference shall again be made to arbitration as hereinbefore mentioned; and that any sum so awarded shall be paid within three calendar months from the date of the award or the determination of any motion to amend the same, and in default of such payment the proprietor may resume possession of his property, and all his rights shall revive: Provided also, that in case the person to whom the said damages shall be awarded shall be an infant or an idiot, lunatic or insane person, or absent from the Province, or shall refuse to accept the amount so awarded, it shall be lawful for the said commissioners to

Payment of damages awarded to infant, &c.

Service on persons under disability, &c.

to pay the same to the committee of such person under any of the said disabilities, or to pay the same into the Court of Chancery or into any chartered bank in this Province to the joint credit of the said water works commission and such person, and that such payment shall be a sufficient payment of the amount of the said award by the said commissioners; and any notice required to be served on any person under any of the said disabilities shall be served on the person in whose care or under whose custody or control the said person may be; or if such person is absent from the Province, or cannot be found, by publishing the same for two weeks in the *Ontario Gazette* and one paper published in the county in which the said lands lie.

Tender of amount by Commissioners in satisfaction of damages done by them.

**3.** The said commissioners may, before the appointment of arbitrators, tender to the owner or owners, or such other persons as may be interested in any such land, stream or privilege, any sum of money which they may deem sufficient to satisfy such person for the value of the said land or damage, and in case such amount so tendered shall not be accepted and the arbitrators to be appointed as aforesaid do not find or award any greater sum than such sum so tendered as the value of such land or damage, then such owner or owners or other person interested shall pay all the costs attendant on such arbitration;

Costs of Arbitration.

and every such owner, occupant or other person interested in any such land, stream, water or privilege so taken by the commissioners for water works purposes shall, on payment to him

Conveyance of land to Commissioners,

of the amount so agreed upon or awarded, convey to the Municipal Corporation of the Town of St. Catharines his interest in any such land, or such portion thereof as may be required by the said commissioners, by a good and sufficient deed, free from all encumbrance, on such deed or conveyance being tendered to him for execution; and in case any such person shall refuse or neglect to execute such deed or conveyance, the price of such value or damage shall be paid into some chartered bank in this Province, to the joint credit of the said water works commission and such person, and shall not be paid to such person until the execution by him of such deed or conveyance; and in case any such person shall be an infant, idiot, lunatic or insane person, such deed or conveyance may be executed for him by his committee, or by such person as the Court of Chancery for Ontario shall appoint for that purpose.

by Infants or Lunatics.

Sec. 5 amend-  
ed.

**4.** Section five of the said Act is hereby amended by striking out the words "Mayor and Corporation" in the fourth line of the said Act, and inserting in lieu thereof the words "Municipal Corporation;" also by striking out the words "County of Lincoln" in the twenty-second line of the said section, and inserting in lieu thereof the words "in either of the Counties of Lincoln or Welland;" also by adding after the word "Works" in the twenty-ninth line of the said section the following words, "or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the

the said works, or for preserving the purity of the water supply ;" and also by striking out all the words after "aforesaid" in the forty-first line of the said section.

**5.** Section nine of the said Act is hereby amended by inserting after the word "lot," in the first line, the words "whether situated in the Town of St. Catharines or in any other municipality in which water may be supplied to any person under any authority contained in this Act."

**6.** Section eleven of the said Act is hereby amended by striking out the words "water commissioners" and inserting the words "water works commission," and also by striking out all the words after the word "water" in the eleventh line of the said section.

**7.** Section twelve of the said Act is hereby amended by striking out the word "twenty" in the twentieth line of the said section and inserting the word "thirty" in lieu thereof, and the said Council shall, for the purpose of providing a sinking fund for the payment of the said debentures as aforesaid, and the interest on the same semi-annually, raise annually, after the completion of the said works, or at the expiration of three years from the date of the first issue of such debentures, such sum as may be necessary to pay the interest upon, and provide a sinking fund to meet the whole of such debentures in full, as the same shall fall due respectively, and shall order a rate for that purpose to be settled, imposed and levied in each and every year, to pay said principal and interest on such debentures; and the by-law passed by the Council of the said Town of St. Catharines, on the eleventh day of October, one thousand eight hundred and seventy-five, to authorize the construction of the water works for the said town, is hereby declared to be legal and valid, and shall not hereafter be questioned.

**8.** Sections sixteen and seventeen of the said Act are hereby repealed and the following enacted in lieu thereof :—

**16.** The several persons elected as water commissioners under the authority of an election held on the second and third days of November, one thousand eight hundred and seventy-five, are hereby declared to be duly elected as such water commissioners, and all acts done by them as such water commissioners are hereby declared legal and valid; and hereafter there shall be one water commissioner for each ward into which the said town may be divided; and in case at any future time any additional ward or wards shall be constituted in the said town, a water commissioner shall be elected for each such ward at the first election for municipal councillors held in the said ward after its incorporation with the said town, which said commissioners, when so elected shall hold office for the balance of the time for which the water commissioners then in office shall have been elected, and retire at the same time as the other water commissioners then in office.

Secs. 16 and 17  
repealed.

Election of  
Commissioners  
in 1875, con-  
firmed.

Number of  
Commiss-  
ioners.

Term of office.  
By whom elected.

**17.** The said water commissioners, except as herein otherwise provided, shall hold office for the term of two years; and shall be elected at the same time and by the same persons and in the same manner as members of the Municipal Council; and all provisions and remedies of the several Municipal Acts and any amendments thereto shall apply in all particulars not inconsistent with this Act, as to elections, unseating, filling vacancies, grounds of disqualification, and such other provisions as may be contained in the said Acts: Provided that the commissioners now elected shall hold office until the third Monday in January, one thousand eight hundred and seventy-eight, their successors shall be elected thereafter in every alternate year.

Term of office of present Commissioners.

Qualification of Commissioners.

**9.** Each member of the water works commission shall be possessed of the same property qualification as aldermen in cities, and no person shall be disqualified on account of being a member of the water works commission from being a member of the Municipal Council of the said town.

Sec. 18 repealed.

Salary of Commissioners.

**10.** Section eighteen of the said Act is hereby repealed and the following enacted in lieu thereof—

**18.** Each member of the water works commission shall during the construction of the said water works be paid as a salary the sum of one hundred dollars per annum, and shall also be paid his necessary travelling expenses, and thereafter shall be paid such sum as the Municipal Council of the said town shall annually fix: Provided, however, that no member of the water works commission who may be a member of the Municipal Council of the said town shall at any time be entitled to claim any salary as such water commissioner during the time he may be a member of the said Municipal Council.

Oath of Office.

**11.** The water commissioners now elected shall, immediately after the passing of this Act, and every water commissioner, to be hereafter elected shall immediately after his election take an oath before one of Her Majesty's justices of the peace in and for the said town or the County of Lincoln, well and faithfully to perform the duties of his office to the best of his ability.

Custody of debentures.

**12.** All debentures issued under the authority of the said Act shall be on the issue thereof handed over by the mayor of the said town to the chairman of the water works commission, and by him deposited in some chartered bank in this Province, and retained there until the same shall be disposed of.

Water Rates.

By-laws.

**13.** All water rents and rates when collected, less disbursements by the commissioners, shall be paid to the Treasurer of the Town of St. Catharines, and by him placed to the credit of the water works account; and the commissioners shall have power from time to time to make and enforce all necessary by-laws, rules and regulations for the general maintenance or the management and conduct of the said water works, officers and others employed

employed by them, not inconsistent with this Act, and for the collection of the said water rent and water rate, and for fixing the time or times, which shall be quarterly, when and the places where the same shall be payable, also for allowing a discount for prepayment, and in case of default in payment to enforce the payment by shutting off the water or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods or chattels in his possession, wherever the same may be found within the said town or either of the Counties of Lincoln or Welland, or of any goods or chattels found on the premises, the property of or in the possession of any other occupant thereof, such distress shall be conducted in the same manner as sales are now conducted for arrears of taxes in the said town, and the costs chargeable shall be made payable to plaintiff under the Division Court Acts: Provided that the attempt to collect such rates by any process hereinbefore mentioned shall not invalidate the lien upon such premises.

**14.** The Treasurer of the Town of St. Catharines for the time being shall be an *ex officio* treasurer of the water works commission, and he shall give such security for the due performance of his duties as such treasurer as the said water works commission may require; and the commissioners shall have power, with the consent of the corporation of the Town of St. Catharines to employ the town collectors, assessors and such other persons as in their opinion may be necessary to carry out the object of this Act and the Act hereby amended, and to specify the duties of such persons when so employed, and to fix their compensation; and all such persons shall hold their offices under the commissioners during the pleasure of the commissioners, or as they shall determine by by-law in that behalf, and shall give such security as the commissioners shall determine, and such collectors or assessors shall have as full power in the performance and enforcement of the matters to them committed as the collectors and assessors in the cities in the Province of Ontario now possess.

**15.** If any person shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water works, or in any way obtain or use any water thereof without the consent of the commissioners, he or they shall forfeit and pay to the commissioners for water works purposes the sum of one hundred dollars, and also a further sum of five dollars for each day said pipe or main shall so remain, which said sum, together with costs of suit in that behalf, may be recovered by civil action in any court of law in this Province having civil jurisdiction to that amount.

**16.** If any person shall bathe or wash or cleanse any cloth, wool, leather, skins or animals, or place any nuisance or offensive thing within the distance of one mile from the source of

Treasurer of  
Commissioners.

using the  
water without  
leave.

Penalty for  
fouling the  
water.

of supply for such water works, in any lake, river, pond, source or fountain from which the water of the said water works is obtained, or shall convey or cast, cause or throw or put any filth, dirt, dead carcases or other noisome or offensive thing therein, within the distance above set forth, or cause, permit or suffer the water of any sink, sewer or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in anywise tainted or fouled, every such person shall on conviction thereof before any justice of the peace, on the oath of one credible witness, be by such justice adjudged and condemned to pay a penalty for every such offence not exceeding the sum of twenty dollars, together with costs of conviction, one-half to be applied for water works purposes, and the other half to him or her who shall lay the information; and in case the party laying such information be the commissioners themselves, or any of their officers or servants, then the whole of the said penalty shall be applied to the use of the commissioners for water works purposes; and such justice may also in his discretion further condemn such person to be confined in the common gaol of the county in which any such offence may be committed for a space of time not exceeding one calendar month, with or without hard labour as to him may seem meet.

*Application of  
penalty.*

**17.** It shall and may be lawful for the said commissioners, and they are hereby authorized to make such by-laws as to them shall seem necessary and requisite for prohibiting, by fine not exceeding twenty dollars, for water works purposes, or imprisonment not exceeding one calendar month (the amount of such fine and the duration of such imprisonment, and also the option between fine and imprisonment with or without hard labour being always in the discretion of the justice of the peace before whom any proceeding may be taken for enforcement thereof), any person being occupant, tenant or inmate of any house supplied with water from the said water works, from vending, selling or disposing of the water thereof, from giving it away or permitting it to be taken or carried away, or from using it or applying it to the use and benefit of others, or to any other than his or their own use and benefit, or from increasing the supply of water agreed for with the said commissioners, or from wrongfully neglecting or improperly wasting the said water, as also for regulating the time, manner and nature of the supply by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing relating to or connected therewith which it may be necessary and proper to direct, regulate or determine for security to the inhabitants of the said town, or any other place which they may contract to supply with water, a continued and abundant supply of pure, wholesome water, and to prevent the practising of fraud upon the commissioners with regard to the water so supplied.

**18.** In all cases where a vacant space intervenes between the line of the street and the wall of a building into which the water is to be taken, the commissioners are empowered to lay the service pipe across such vacant space, and charge the cost of the same to the owners, such charge to be payable with the first payment of water rates, and such costs may also be collected from the said owners in the same manner as water rates.

**19.** The service pipe from the line of the street to the interior face of the outer wall of the building supplied with water, together with all its branches, couplings, stop-cocks and apparatus placed thereon by the commissioners, shall be under their control, and if any damage be done to this portion of the service pipe or its fittings, either by neglect or otherwise, the commissioners may repair the same, and charge the same to the occupant or owner of the premises; the stop-cock placed by the commissioners inside of the wall of the building shall not be used by the water tenant except in cases of accident, or for the protection of the building or the pipes, or to prevent the flooding of the premises.

**20.** All parties supplied with water by the commissioners may be required to place only such taps for the drawing and shutting off of the water as may be approved of by the commissioners.

**21.** Neither the water commissioners nor the corporation of the said town shall be liable for damages caused by the breaking of any service pipe or attachment, or for any shutting off of the water to repair mains or to tap pipes, provided notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time.

**22.** It shall be lawful for the water commissioners, and every person authorized by them for that purpose, to have free access at proper hours of the day, and upon reasonable notice being given and request made for that purpose, to all parts of every building in which water is delivered or consumed.

**23.** If any person or persons not being in the employment of the water commissioners, and not being a member of the fire brigade of the said town, and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant chamber by placing on it any building material, rubbish or otherwise, every such person shall on conviction before any of Her Majesty's justices of the peace having jurisdiction in the locality in which the said offence is committed, forfeit and pay for each offence a sum not exceeding twenty dollars for water works purposes, and in default of such payment may be imprisoned in the common gaol of the county for a term not exceeding thirty days; and each time the said hydrants

Costs of laying  
service pipes.

Service pipes  
to be under the  
control of the  
Commissioners.

Breakage of  
pipes.

Shutting off  
water.

to buildings.

Penalty for  
closing &c.,  
hydrants.

hydrants are interfered with, and each day the said obstruction shall continue, shall be considered a separate offence.

Extension of  
pipes to  
suburbs of  
town.

**24.** The water commissioners are hereby empowered to arrange with the corporation, or with individuals, for the extension of pipes in the suburbs and partially built portions of the said town, by allowing a deduction from the price charged for the water to such extent as the commissioners shall see fit, on the price of the said pipes when laid by the parties under the direction of the said commissioners, and subject to their approval; or the commissioners may lay such pipes, charging the said parties, in addition to the said water rate or rent, a yearly interest on the cost of such extension, which interest, or such portion thereof as may be due, shall be paid at the same time and collected in the same manner as the water rates.

Supplying  
water outside  
the town  
limits.

**25.** The water commissioners shall have power and authority to supply water from the said water works to any person, persons or corporation outside the limits of the said town, and to any railway company or manufactory, whether situate inside the limits of the said town or not, and for such purpose to make and carry out from time to time any agreement with such person, persons or corporation wishing to be supplied with water from said water works, and to lay any pipes, mains or other conveniences between the said town or the said water works and the place to be supplied with water under this section, necessary to carry out such agreement, and the property so supplied with water, and the owners, tenants or occupants thereof, shall be subject to the same liabilities; and the said commissioners shall have the same rights and remedies against all such property and persons for enforcing the payment of the water rates or rent, or the costs of laying the pipe, as though the said property were situate within the said town: Provided, however, that no power or authority shall be exercised under this clause without the consent and approbation of the corporation of the said town.

Lands, &c., of  
work to be  
exempt from  
taxation.

**26.** The lands, buildings, machinery, reservoirs, pipes and all other real or personal property connected with or appertaining to the said water works, whether situate in the said town or elsewhere, shall from henceforth be exempt from all taxation.

Limitation of  
actions.

**27.** If any action or suit be brought against any person or persons for anything done in pursuance of this Act, or the Act hereby amended, the same shall be brought within six calendar months after the act is committed, or in case there shall be a continuation of damages, within one year after the original cause of such action arising.

Powers of  
Officers and  
Watchmen.

**28.** The watchmen and other officers of the water commissioners, when, in the discharge of their duty, shall be *ex officio* possessed

possessed of all the powers and authorities of officers of the peace

**29.** The said works shall be constructed, completed or <sup>Completion of</sup> finished within three years from the passing of this Act. <sup>works.</sup>

**30.** All work done under the commissioners in the construc- <sup>Works to be</sup> tion of the said water works shall be performed by contract, and <sup>performed by</sup> no commissioner or member of the Municipal Council of the said <sup>contract.</sup> town shall personally have or hold any contract or connection with the said works, or be directly or indirectly interested in the same or any of them.

**31.** Nothing herein, or in the Act hereby amended, contained <sup>Payment of</sup> shall prevent the commissioners, should they deem it advanta- <sup>Contractors.</sup> geous so to do, from paying the contractor or contractors or others in debentures, either at par or at such rate of discount as the commissioners shall in their judgment deem advisable, nor from selling or negotiating the same as they may deem most expedient and advantageous to the interest of the said Town of St. Catharines.

**32.** In case the said Town of St. Catharines shall become incorporated as a city, the corporate name of the said commissioners shall upon such incorporation become "The Water Works Commission of the City of St. Catharines," and no action, right or remedy of the said commissioners shall abate by reason of the change in the said corporate name, but the same shall survive and continue as though no such change had been made, and the word "city" shall be read and construed for and instead of the word "town" wherever the said word "town" occurs in this Act.

## CAP. XLVIII.

An Act to enable the Corporation of the Village of Caledonia to issue Debentures to redeem those now outstanding.

[Assented to 10th February, 1876.]

WHEREAS the Corporation of the Village of Caledonia <sup>Preamble.</sup> have, by their petition, set forth that as a municipal corporation they became subscribers to the stock of the Hamilton and Port Dover Railway Company to the extent of ten thousand pounds, and issued their debentures therefor, and that for certain reasons they became unable to pay, as it became due, the interest on the said debentures, and that in the year one thousand eight hundred and sixty-four, by an Act passed by the Parliament of the late Province of Canada, in the twenty-eighth year

year of the reign of Her Majesty Queen Victoria, chaptered seventy-five, the said corporation was authorized to pass a by-law or by-laws authorizing the issue of debentures in lieu of or in exchange for the said debentures of the said corporation then outstanding, and that pursuant to the said Act debentures to the amount of thirty-four thousand dollars, and other debentures for interest had been issued, and that such last mentioned debentures had been reduced by payments to the sum of sixteen thousand dollars, which amount is payable on the first day of July, one thousand eight hundred and seventy-six, and that for various causes therein alleged the said corporation will be unable to pay the said balance of the said last mentioned debentures at their said date of maturity, and that they desired to issue debentures to redeem the said outstanding debentures to an amount not exceeding sixteen thousand dollars, such debentures to be payable eight thousand dollars in ten years, and eight thousand dollars in fifteen years, with interest half-yearly at the rate of six per centum per annum, payable on the first days of January and July in each year, with coupons thereto attached representing each payment of interest; and they pray by their said petition that an Act may be passed authorizing them to pass a by-law or by-laws authorizing the issue of such debentures; And whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures for \$16,000.

**1.** It shall be lawful for the Corporation of the Village of Caledonia to pass a by-law or by-laws for authorizing the issue of debentures with coupons attached thereto for a sum not exceeding the sum of sixteen thousand dollars, to redeem the said debentures at present outstanding, and maturing on the first day of July, one thousand eight hundred and seventy-six, and it shall not be necessary with respect to any such by-law to comply with the provisions of sections two hundred and fifty-one and two hundred and fifty-two of the Act respecting Municipal Institutions in the Province of Ontario, which requires the assent of the electors of the municipality or the calling of a special meeting of the council for the passing of the said by-law; and the corporation may, after the redemption of the said debentures so outstanding and maturing, repeal the said by-law mentioned in the preamble to this Act, so far as regards the levying of rates imposed by said by-law for the redemption of such outstanding and maturing debentures, and the payment of the interest on the same.

Debentures where and when payable.

**2.** The debentures so to be issued shall be debentures of the Corporation of the Village of Caledonia, and shall be made payable at the Bank of British North America, at the City of Hamilton, and shall be in sums of not less than one hundred dollars each, and shall be payable in the manner following:

eight

eight thousand dollars thereof in ten years from the first day of July, one thousand eight hundred and seventy-six, and the remaining eight thousand dollars thereof in fifteen years from the said first day of July, one thousand eight hundred and seventy-six.

**3.** The interest made payable by such debentures and the Interest. coupons to be attached thereto shall be payable half-yearly, on the first day of January and the first day of July in each year, at the rate of six per centum per annum.

**4.** Such debentures may be in the form given in the Schedule to Form of debentures. this Act, or as near thereto as the corporation find convenient.

**5.** For the payment of the said interest and the creating of Sinking Fund. a sinking fund for the payment of such debentures there shall be levied and raised by the corporation from time to time, yearly, upon the whole then assessable property of the said corporation a rate or rates of so many cents on the dollar as shall be, until the said principal and interest shall be fully paid and discharged, sufficient to meet the said interest and to provide an equal yearly sinking fund sufficient for the repayment of the principal, and the same rate or rates shall be assessed, levied and collected by the proper officer and officers of the corporation in that behalf along with the other taxes, rates and assessments of the said corporation.

**6.** Nothing herein contained shall interfere with the rights of Rights of de- the holders of any debentures issued under this Act to pursue b'ture hold- any other remedies at law or in equity for the recovery of the ers. principal or interest by the said debentures secured.

**7.** This Act shall be cited as "The Caledonia Debentures Act Title. of 1876."

## SCHEDULE.

No.

PROVINCE OF ONTARIO.

*Village of Caledonia.*

UNDER and by virtue of the Caledonia Debentures Act of 1876, and by virtue of By-Law No. whereby a rate is imposed in pursuance of that Act, the Corporation of the Village of Caledonia promise to pay the bearer dollars at the Bank of British North America, at the City of Hamilton, on the day of , in the year of our Lord one thousand eight hundred and , and will also pay interest half-yearly, in accordance with the coupons hereto attached as the same shall severally become due.

Dated.

Dated Caledonia, Ontario, this                    day of                    ,  
in the year of our Lord one thousand eight hundred and seventy-six.

W. B.,  
*Treasurer.*

J. S.,  
*Reeve.*  
[L. S. Seal of Certificate.]

## CAP. XLIX.

An Act to authorize the County of Huron to issue Debentures for redeeming their outstanding Debentures, for which no Sinking Fund has been provided.

[Assented to 10th February, 1876.]

Preamble.

WHEREAS the Corporation of the County of Huron have petitioned to be authorized to issue a certain amount of debentures for the purpose of redeeming outstanding debentures of the said county, for which no sinking fund has been provided, and which debentures were issued under a by-law, numbered two, passed on the twenty-first day of June, one thousand eight hundred and fifty-six, for the construction of Gravel Roads in the said county:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to  
pass by-law  
for new  
debentures.

36 Vic., c. 48,  
s. 251 and 252  
not to apply.

Repeal of old  
by-law.

1. The Corporation of the County of Huron may pass a by-law or by-laws for authorizing the issue of debentures of the said county, for a sum not exceeding in the whole two hundred and sixty-five thousand dollars, to redeem certain debentures issued under the aforesaid by-law, passed in the year one thousand eight hundred and fifty-six, and numbered in the books of the said Corporation, two, and falling due on the first day of July, one thousand eight hundred and seventy-six; and it shall not be necessary with respect to any such by-law, to comply with the provisions of sections two hundred and fifty-one and two hundred and fifty-two, of the Act respecting Municipal Institutions in the Province of Ontario, which requires the assent of the electors of the municipality, or the calling of a special meeting of the council for the passing of the said by-law, and the Corporation may after the redemption of the original debentures repeal the said by-law number two, so far as regards the levying of rates imposed by said by-law, for the redemption of such original debentures, and the payment of the interest on the same.

**2.** The debentures to be issued under the preceding section New debentures, when exceeding twenty years after the date thereof, and at such place payable.  
of this Act shall be made payable at such time or times, not and where or places either within or without this Province, and shall be for such sums either in sterling or currency, not less than one hundred dollars each, as the Corporation of the said County may by the by-law direct, and the said debentures shall bear interest, payable half yearly, at the rate of six per centum per annum.

**3.** The Corporation of the said County may raise by way of Power to raise loan, upon the credit of the said debentures to be issued under money on new the first section of this Act, a sum of money not exceeding in exchange for debentures or old. the whole the sum of two hundred and sixty-five thousand dollars; and the Treasurer of the said County shall, on receiving instructions so to do from the Council, call in and discharge, with the funds raised upon the said debentures, the outstanding debentures mentioned in the preamble to this Act, or may substitute for the said outstanding debentures, or any of them, the debentures authorized to be issued under the by-law passed under the provisions of this Act, upon such terms as may be agreed upon between the Corporation and the holders of such outstanding debentures.

**4.** The by-law, or by-laws authorizing the issue of such debentures shall impose a special rate per annum (over and above all other rates to be levied each year), which shall be sufficient to pay the yearly interest on said debentures, and to provide a sinking fund of not less than two per centum for the redemption of the same, and for the payment of any of said debentures which may under the by-law be made payable each year. Special rate to be levied.

**5.** The Council shall, and it shall be the duty of the Treasurer of the said Corporation, to invest from time to time all monies raised by special rate or the sinking fund provided by this Act, or by the by-law, either in the debentures to be issued under this Act, or in any debentures or securities which the Lieutenant-Governor may by Order in Council direct; and all dividends and interest received on said sinking fund shall be applied to the extinction of the loan authorized to be raised under this Act. Investment of sinking fund.

**6.** Any provisions in the Act respecting Municipal Institutions Inconsistent in the Province of Ontario, which may be inconsistent with this provisions in Act, shall not apply to the by-law or by-laws to be passed by the Municipal Act not to apply. said Corporation under the provisions of this Act.

**7.** The proceeds of the debentures authorized to be issued Application of by this Act shall be applied to the redemption of the aforesaid new debentures, outstanding debentures of the said County, and for no other purpose whatever.

## CAP. L.

An Act respecting a By-law No. 333, passed by the Corporation of the Town of Belleville.

[Assented to 10th February, 1876.]

**Preamble.**

WHEREAS the Corporation of the Town of Belleville have petitioned, praying that an Act may be passed to remove doubts which have been raised as to the legality of a by-law of the said corporation numbered 333, and intituled "A By-law to authorize the granting a bonus of fifty thousand dollars to aid the Belleville and North Hastings Railway Company in constructing their line of railway, and a further bonus of seventy-five thousand dollars to Ario Pardee, of Pennsylvania, and Henry C. Lloyd, of Montreal, to aid and assist them in building smelting works in Belleville, and to raise the said several sums by way of loan and for other purposes," and have by the said petition also represented that it is a matter of importance to the said corporation that said doubts should be removed; And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**By-law No. 333 of Town of Belleville confirmed.** 1. The said by-law passed by the Corporation of the Town of Belleville, and numbered 333, be and the same is hereby confirmed and declared legal and valid to all intents, and for all and every purpose whatsoever, and to be binding on the said town and the ratepayers thereof.

**Pending proceedings to quash by-law.** 2. Nothing in this Act contained shall affect the rights of the parties to any proceeding now pending at law or in equity to quash the said by-law, to carry on the said proceedings for the purpose of recovering, and to recover their costs of such proceedings in the same manner, so far as regards their right to costs, as if this Act had not been passed; Provided that it shall be competent to any party to such proceedings, at any time, to procure taxation of such costs, and on payment thereof, before further costs after taxation are incurred, such proceedings shall cease.

## CAP. LI.

An Act to amend the Act intituled "An Act to Consolidate the Debt of the Town of Cobourg, and to Authorize the issue of Debentures on the Security of the Town Property, and for other purposes."

[Assented to 10th February, 1876.]

**W**HEREAS the Corporation of the Town of Cobourg have, Preamble. by their petition prayed that the tenure of office of the Commissioners of the Cobourg Town Trust shall be changed from a life term to a term of years; that no contract exceeding one hundred dollars in amount shall be made by the said commissioners unless the same has first been submitted to public tender; that the said commissioners shall not receive any compensation for their services, and that the meetings of said commissioners shall be public and held at regular and stated times: And whereas it is expedient to grant the prayer of said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The Commissioners of the Cobourg Town Trust for the time being shall cease to be Commissioners of the Cobourg Town Trust as follows, that is to say: one of the said commissioners on the first day of May, in the year of our Lord one thousand eight hundred and seventy-seven, and the others annually in rotation on the first day of May in each of the four next succeeding years: and the order of the retirement of said commissioners shall be determined by ballot at their meeting to be held next before the said first day of May, one thousand eight hundred and seventy-seven; and such ballot shall be had under the direction of the clerk to the said commissioners, and the term of office of each of said commissioners shall cease according to the result of said ballot.

Commissioners  
of the  
Cobourg Town  
Trust.

**2.** Each of the vacancies thus to be occasioned shall immediately after its occurring be filled by the appointment of a commissioner, and such appointment, and all future and other appointments of commissioners of the said trust, shall be made in the manner provided by the said statute passed in the twenty-second year of the reign of Her Majesty Queen Victoria, and chaptered seventy-two, and in all cases of new appointments of commissioners to said trust the newly appointed commissioner or commissioners shall be invested with the property of said trust in the manner provided by said last mentioned statute: But no person shall be qualified to act as such commissioner who is not a natural-born or naturalized subject of Her

Vacancies,  
how filled up.

Her Majesty, and a male of the full age of twenty-one years, and who has at the time of his appointment, in his own right as proprietor, a legal or equitable freehold, or partly legal or partly equitable, rated in his own name on the last revised assessment roll of the said town to at least the value of two thousand dollars over and above his liabilities, and no person shall be qualified to take his seat on the commission unless he shall file a declaration to that effect within one month from the time of his appointment with the town clerk of said Town of Cobourg.

**Absenting  
Commission-  
ers.**

**3.** In the event of any one of the commissioners of the Cobourg Town Trust absenting himself from the meetings of the commissioners for three months continuously without permission so to do expressed by resolution of the commissioners, or in the event of his removing from said Town of Cobourg, his term of office shall thereby be determined, and a new appointment to fill the vacancy thus created shall thereupon be made as herein provided.

**Term of office  
of Commis-  
sioner appoint-  
ed to fill va-  
cancies.**

**4.** The term of office of a commissioner appointed to fill a vacancy in said trust shall be as follows, that is to say: If he be appointed in the room or stead of a commissioner who has died, resigned, removed from Cobourg, or, without the required permission, has absented himself continuously for three months from the meetings of said commissioners, then the new appointment shall be for the remainder of the term of the commissioner so dying, resigning, removing or absenting himself; but if he has been appointed in the room or stead of a commissioner whose term of office has ceased through effluxion of time, then such new appointment shall be for five years from its date.

**Commission-  
ers may be  
reappointed.**

**5.** Nothing herein contained shall operate to render any of the present or future commissioners of the said trust ineligible for re-appointment, nor shall anything herein contained alter or annul the appointment of the Mayor of Cobourg as an *ex officio* member of said Town Trust, under the provisions of "An Act for the further improvement of the Cobourg Harbour."

**Meetings.**

**6.** The regular meetings of the commissioners of the Cobourg Town Trust shall be held at regular times to be fixed by and stated in a resolution which shall be passed by them and entered in the minutes of their proceedings, and the meetings of said commissioners shall be public to the same extent as those of a municipal council.

**Commission-  
ers not to  
receive com-  
pensation, &c.  
for services.**

**7.** After the passing of this Act it shall be unlawful for a commissioner of the Cobourg Town Trust other than the chairman to take or receive any money compensation, remuneration or reward for or on account of his services as such commissioner, any law or statute to the contrary notwithstanding.

**8.** No contract exceeding five hundred dollars in amount shall be made or entered into by the said commissioners unless and until tenders for the performance of the service which is the subject matter of the contract have been called for by advertisement published for at least two weeks in one of the Cobourg newspapers.

**9.** The said commissioners shall have power to sell and dispose of the Port Hope and Rice Lake gravel road, first advertising for tenders as provided by section eight of this Act, and apply the proceeds in satisfaction of the outstanding first issue of debentures so far as the same will extend.

**10.** Nothing in this Act contained shall in anywise affect the claim of the late Province of Canada, or of the Province of Ontario, against the municipality of the said town in respect to the debt contracted under the Act establishing a consolidated Municipal Loan Fund for Upper Canada and Acts amending the same, or the claims of the holders of the debentures issued in respect of the said debt under the provisions of the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered forty-seven, and intituled "An Act respecting the municipal loan fund debt and respecting certain payments to municipalities."

## CAP. LII.

An Act to enable the Corporation of the Town of Cobourg to aid a certain Manufacturing Company known as the "Cobourg Carpet, Matting and Manufacturing Company."

[*Assented to 10th February, 1876.*]

WHEREAS the Corporation of the Town of Cobourg, by Preamble. their petition, have represented that application has been made to them by the Cobourg Carpet, Matting and Manufacturing Company for a bonus to aid the said company in establishing its manufactory in the said town, and have represented that the establishment of said manufactory in said town will be of great value and advantage to the said corporation, and that it is desirable to aid the said company to the extent of five thousand dollars, and have asked for authority to grant such aid, and to take security from said company for the due fulfilment by it of the terms upon which said bonus is to be granted: And whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Aid by Town  
of Cobourg to  
Company,

**1.** It shall and may be lawful for the town council of the Town of Cobourg to pass a by-law authorizing the issue by said council of debentures not exceeding the sum of five thousand dollars, and the same when issued to hand over to the said Carpet, Matting and Manufacturing Company, by way of bonus to aid it in establishing its said manufactory in the said Town of Cobourg upon such terms as may be agreed upon between the parties : Provided always, that the said issue of debentures shall not be lawful until the by-law to be passed by the said council authorizing the same has been submitted to the ratepayers or the property-holders of said town, and has received their sanction in the manner provided by the "Act respecting Municipal Institutions in the Province of Ontario," in cases of by-laws requiring the assent of the electors of a municipality before the final passing thereof.

by issue of  
Harbour  
Debentures.

**2.** The debentures hereby authorized to be issued shall be and form part of the debentures which the said council is empowered to issue for harbour purposes, by statute passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered one hundred and twenty; and the amount of debentures by the said last mentioned Act authorized to be issued for harbour purposes is hereby reduced by the amount of the issue authorized by this Act.

Security of the  
Corporation.

**3.** It shall and may be lawful for the said corporation to take, receive and hold from the said company a mortgage or mortgages, lien or liens on the lands, buildings, machinery, plant and other property of the said company, as security for the due fulfilment by said company of the terms on which said bonus shall be granted ; and to enforce said mortgage or mortgages, lien or liens, in such way as the said corporation may be advised ; and the security to be so given shall be first approved by the commissioners of the town trust.

Act not to  
affect Province  
or holders of  
debentures  
under Muni-  
cipal Loan Fund  
Acts.

**4.** Nothing in this Act contained shall in anywise affect the claim of the Province of Ontario in respect of the debt contracted under the Act establishing a consolidated municipal loan fund for Upper Canada and Acts amending the same, or the claims of the holders of the debentures issued in respect of the said debt, under the provisions of the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered forty-seven, and intituled "An Act respecting the Municipal Loan Fund Debt and respecting certain payments to Municipalities."

## CAP. LIII.

An Act to amend the Act to Incorporate the Guelph General Hospital and to grant certain powers to the Directors thereof.

[Assented to 10th February, 1876.]

WHEREAS the Directors of the Guelph General Hospital Preamble.  
 have represented that for the purposes of paying off three thousand dollars, being the balance unpaid of certain debts incurred in the erection of the central portion of their hospital building, and also for erecting and finishing the un-built portions thereof, including the requisite outbuildings, offices and premises, they are desirous of raising by way of loan from time to time, to be secured on the land and buildings of said hospital property, sufficient sums of money for the pur-poses aforesaid, not exceeding the sum of twelve thousand dollars, and have prayed for the passing of an Act granting them the necessary powers so to do, and it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Directors of the Guelph General Hospital may and <sup>Borrowing Powers.</sup>  
are hereby authorized and empowered to borrow from any person or persons, body or bodies corporate a sum or sums of money from time to time, as the Directors may deem necessary to the amount of twelve thousand dollars, at any rate of interest that may be agreed on or fixed by the directors.
2. For the repayment of any such loans the directors may, <sup>Issue of</sup> under the corporate seal of said hospital, signed by the chair- debentures.  
man of the board of directors and countersigned by the secretary of said board, from time to time issue debentures in sums of one hundred dollars each, payable at such time and times as in each debenture shall be stated or fixed, with interest coupons attached, stating the rate of interest and how payable, whether half-yearly or yearly, and at a place within the Town of Guelph to be named in said debentures.
3. The said debentures shall be numbered consecutively and <sup>Numbering the</sup> debentures, &c.  
a register of said number shall be kept in the minute or other book to be kept by said directors ; and as said debentures are paid off the same shall be cancelled and entered in said book as having been paid.

4. For the purposes of securing re-payment of said deben-tures and interest coupons the said directors may grant and convey by way of mortgage the lands held by said hospital for the use and benefit thereof, free from the uses and trusts for which <sup>Power to mort-gage lands.</sup>

which the same are held by them, and said mortgage may be made to two or more persons willing to act as trustees in trust to secure the payment of said debentures and interest coupons.

Power to mortgage lands.

**5.** The said directors may, for the purpose of securing repayment of said loans and interest, make a mortgage or mortgages direct to the lender or lenders for the purposes of said hospital, free from the uses and trusts for which said lands are held.

Form of mortgage and discharge.

**6.** The said mortgages or any of them may contain such covenants, provisoies, conditions and powers of sale as may be agreed on and may be expressed to be made pursuant to the Acts respecting short forms of mortgages and may be discharged by deed of release or by any form of certificate prescribed by law for the discharge of mortgages, on satisfaction in whole or in part being made.

Application of surplus of lands sold under power of sale.

**7.** In case of said lands being sold under any such power of sale, the net surplus, if any, of the proceeds thereof, shall be held by said directors and applied by them as may be resolved at any meeting of the subscribers, including life members, who shall have been the latest annual subscribers to the said hospital funds preceding the year in which said meeting is held, and of which the Lieutenant-Governor in Council shall approve.

Application of moneys raised on mortgage.

**8.** Any moneys so borrowed or arising from the issue or sale of said debentures shall be laid out and expended by the directors in the payment of debts incurred in erecting the central portion of said buildings of said hospital and the said other unbuilt portions thereof, and including the requisite out-buildings, offices and premises for the use and benefit of said hospital.

Lenders not bound to see to the application of the money.

**9.** No person paying money to the said directors in pursuance of this Act shall be liable or held liable for the proper application thereof by such directors.

Limit to amount of incumbrance to be created.

**10.** The incumbrances upon the aforesaid hospital property shall not at any one time exceed the sum total of twelve thousand dollars, principal money.

## CAP. LIV.

Northumberland and Durham Counties, and townships arrangement Act.

[*Assented to 10th February, 1876.*]

**W**HEREAS by an Act passed by the late Parliament of Canada, in the twenty-third year of Her Majesty's reign, chaptered ninety-eight, the Municipalities hereinafter mentioned were required to pay to the Treasurer of the United Counties of Northumberland and Durham certain moneys therein mentioned; And whereas the passing of the Act intituled "An Act respecting the Municipal Loan Fund Debts, and respecting Certain Payments to Municipalities," has rendered the amendment of the said first mentioned Act necessary and just;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Upon the payment by each of the following Municipalities to the Treasurer of the United Counties of Northumberland and Durham of the several sums set opposite their respective names, in nine equal annual instalments, the first thereof on the first day of December, in the year of our Lord one thousand eight hundred and seventy four, such municipality shall be deemed to have fully paid and satisfied all moneys payable by such municipality under the provisions of the said first mentioned Act, that is to say—

Cartwright .....	\$ 5,597
Darlington .....	24,237
Bowmanville .....	14,916
Clarke .....	23,491
Newcastle .....	5,594
Cavan.....	24,609
Hope .....	7,458
Cramahe .....	24,949
Colborne.....	6,373
Brighton Township.....	21,895
Brighton Village .....	7,189
Murray .....	22,373

**2.** Upon the payment by the Township of Percy to the said Treasurer of the sum of thirty-one thousand three hundred and fifty dollars, in fifteen equal annual instalments, the first thereof on the said first day of December, the said Township of Percy shall be deemed to have fully paid and satisfied all moneys payable by the said Township of Percy under the provisions of the said first mentioned Act.

CAP.

## CAP. LV.

An Act to legalize a By-law passed by the Corporation of the Village of Oshawa, in favour of Alfred Byron Demill.

[Assented to 10th February, 1876.]

## Preamble.

WHEREAS the Corporation of the Village of Oshawa, on the sixth day of October, one thousand eight hundred and seventy-five, passed a by-law having first submitted the same to the electors of said municipality for their sanction, intituled "A By-law to grant to Alfred Byron Demill, a bonus to assist him in establishing, and maintaining in the Village of Oshawa, a seminary for the education of girls," granting to the said Alfred Byron Demill, a bonus of three thousand dollars in debentures of the said corporation, and the said corporation have petitioned to have the said by-law legalized, and to be authorized to issue debentures thereunder according to the terms thereof:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 199 of  
Oshawa confirmed.

**1.** By-law number one hundred and ninety-nine of the Corporation of the Village of Oshawa, passed on the sixth day of October, in the year of our Lord one thousand eight hundred and seventy-five, intituled "A By-law to grant to Alfred Byron Demill a bonus to assist him in establishing, and maintaining in the Village of Oshawa, a seminary for the education of girls," is hereby legalized and confirmed, and declared valid, and the said corporation is hereby authorized to issue debentures under and according to the provisions of the said by-law, and the same shall be valid and binding upon the said municipality.

This Act not  
to affect the  
condition upon  
which the  
bonus was  
granted.

**2.** Nothing in this Act contained shall in any wise affect any condition or agreement upon which the bonus or any part thereof mentioned in said by-law is to be given to the said Alfred Byron Demill.

## CAP. LVI.

An Act to mortgage the By Ward Market property, in the City of Ottawa, and for other purposes therein mentioned.

[Assented to 10th February, 1876.]

## Preamble.

WHEREAS the Corporation of the City of Ottawa are possessed of certain pieces of ground in the said city known as the "By Ward Market property," which may be described

described as follows, that is to say: Lots numbers eight, nine and the west half of lot number ten, on the north side of George Street, and lots numbers eight, nine and the west half of lot number ten on the south side of York Street, in the said City of Ottawa; and also lots numbers eleven, ten, nine and eight on the north side of York Street, in the said City of Ottawa, and lots numbers eleven, ten, nine and eight on the south side of Clarence Street, in the said City of Ottawa, with a strip one foot wide off the eastern side, and from front to rear of lot number seven, on the north side of York Street aforesaid, and a strip one foot wide from front to rear of the eastern side of lot number seven, on the south side of Clarence Street aforesaid—the said mentioned lots and part of lots being commonly known as the "By Ward Market property," enlarged in pursuance of the Act of the Legislature of the Province of Ontario, passed in the thirty-fourth year of the reign of Her present Majesty, chaptered sixty-six; And whereas the said Corporation of the City of Ottawa have by their petition set forth that the buildings on the said By Ward Market grounds are unsuitable and insufficient for the requirements of the inhabitants of the City of Ottawa, and the Corporation of the City of Ottawa are desirous to mortgage the said "By Ward Market property" above described, to raise a sufficient sum of money, not to exceed the sum of thirty thousand dollars, to erect at a cost not to exceed said last mentioned sum on the said "By Ward Market property" enlarged as aforesaid, other buildings for market purposes suitable and sufficient to accommodate the inhabitants of said city, and have prayed that they may be enabled to do so, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- I. The Corporation of the City of Ottawa aforesaid are here-  
by authorized and empowered to raise by way of loan from any person or persons, body or bodies corporate who may be willing to advance the same, such sum or sums of money, and not exceeding in all the sum of thirty thousand dollars, as the council of the said corporation may deem expedient and necessary for the purpose of erecting on the said "By Ward Market property" above described, buildings for market purposes suitable and sufficient to accommodate the inhabitants of the said city, and at a rate of interest not exceeding eight per centum per annum, payable semi-annually, and for a period or periods not exceeding ten years from the date of such loan, and to retain out of the revenues of the said By Ward Market, and to deposit same in one of the chartered banks of Canada for the security of the lenders, a sufficient sum annually to pay the interest on the said mortgages, and to form a sinking fund sufficient to pay off the principal of the said mortgage or mortgages at the expiration of the same, and for security therefor and

Sinking fund.

and interest thereon to grant, mortgage and assure by one mortgage or by two or more mortgages, and in one parcel or in two or more parcels, the said lots and parts of lots or land herein described and known as the "By Ward Market property" enlarged, together with the market buildings thereon, to the person or persons, body or bodies corporate, making such loan or any part thereof.

Assent of electors to by-law not necessary.

**2.** It shall not be necessary to obtain the assent of the electors of the said city to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by "An Act respecting Municipal Institutions in the Province of Ontario," or any Act amending the same.

## CAP. LVII.

An Act to make valid a certain By-law of the Town of Perth, in the County of Lanark, passed for granting aid in building a bridge over the Rideau Canal at Oliver's Ferry.

[Assented to 10th February, 1876.]

Preamble.

WHEREAS the Municipal Council of the Town of Perth, in the County of Lanark, have petitioned for an Act to confirm a certain by-law of the said town, numbered three hundred and one, passed for granting aid in building a bridge over the Rideau Canal; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 301  
of Town of  
Perth con-  
firmed.

**1.** By-law numbered three hundred and one of the Town of Perth, in the County of Lanark, passed on the twelfth day of April, one thousand eight hundred and seventy-five, intituled "By-law to raise by way of loan a certain sum of money by the issue of debentures to aid and assist in the building of a bridge over the Rideau Canal at Oliver's Ferry," and all debentures issued or to be issued under such by-law shall be and are hereby declared to be good, valid, legal, binding and effectual, and the said by-law shall be held to have been good, valid, legal, binding and effectual from the time of the passing thereof, any law, usage or custom to the contrary notwithstanding.

## CAP. LVIII.

An Act to enable the Corporation of the Town of Peterborough to incur an additional debt for purposes therein mentioned.

[Assented to 10th February, 1876.]

WHEREAS the Corporation of the Town of Peterborough Preamble. have, by their petition, prayed for leave to incur an indebtedness of twenty-two thousand dollars, to enable them to defray the cost of the construction of certain bridges over the River Otonabee, and also of certain ward schools in the said Town of Peterborough, and it is expedient to grant the prayer of such petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**1.** Notwithstanding the provisions of the Act of the Parliament of the late Province of Canada, passed in the twenty-fourth year of Her Majesty's reign chaptered sixty-one, it shall and may be lawful for the Corporation of the Town of Peterborough to incur an additional indebtedness of twenty-two thousand dollars in all for the purposes hereinafter particularly mentioned and set forth.

**2.** It shall and may be lawful for the said Corporation of the Town of Peterborough, and the Commissioners of the Peterborough Town Trust, to issue debentures for the said sum of twenty-two thousand dollars; such debentures to be issued and redeemable in the manner provided by the said recited Act: Provided always that no such debentures shall issue unless and until the by-law or by-laws creating the same shall have been submitted and assented to by the electors of the said town, in the manner and in compliance with the provisions of sections two hundred and fifty-one and two hundred and fifty-two of the Act passed in the thirty-sixth year of Her Majesty's reign, intituled, "An Act respecting Municipal Institutions in the Province of Ontario."

**3.** The proceeds of the said debentures shall be applied and paid in the manner following, and not otherwise, that is to say: The proceeds of debentures to the amount of twelve thousand dollars towards defraying the cost of the construction of ward schools in the said town or in redeeming liabilities already incurred therefor: The proceeds of debentures to the amount of five thousand dollars towards defraying the cost of the construction of the iron bridge over the River Otonabee between the said Town of Peterborough and the Village of Ashburnham, or in redeeming liabilities already incurred therefor;

for; and the proceeds of debentures to the amount of five thousand dollars towards defraying the cost of construction of two other bridges over the said River Otonabee or in redeeming liabilities already incurred therefor.

Collection of  
the interest  
and sinking  
fund of school  
debentures.

**4.** The interest and sinking fund of so much of the said debentures, the proceeds whereof shall be applied towards the erection of ward schools, or towards redeeming liabilities incurred therefor, shall be levied and collected in the same manner as the interest and sinking fund in respect of the union school indebtedness of the said Town of Peterborough, as provided by section one of the Act of the Parliament of the Province of Ontario, passed in the thirty-eighth year of Her Majesty's Reign, chaptered forty.

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## CAP. LIX.

### An Act respecting the Consolidated Debt of the Town of Port Hope.

[Assented to 10th February, 1876.]

Preamble.

**W**HÈREAS the Corporation of the Town of Port Hope have, under the Acts consolidating the debt of the said town, issued debentures to the amount of sixty-six thousand six hundred and twenty-five dollars, which are still outstanding, and have petitioned to be authorized to raise by the issue of debentures a sum of money sufficient for the redemption of the said outstanding debentures; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to issue  
debentures for  
\$70,000.

**1.** The said corporation may issue debentures under the corporate seal, signed by the mayor and countersigned by the treasurer of the said town for the time being, in such sums, not exceeding seventy thousand dollars in the whole, as, the said corporation may from time to time direct; and the principal sum secured by the said debentures and the interest accruing thereon may be made payable at such place as the corporation may deem expedient.

Power to raise  
money on  
debentures.

**2.** The corporation of the said town may raise by way of loan, on the credit of the said debentures, a sum not exceeding in the whole the sum of sixty-six thousand six hundred and twenty-five dollars.

Redemption of  
outstanding  
debentures.

**3.** The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time, with the consent

consent of the holders, call in any of the said outstanding debentures specially provided for by this Act, and shall discharge the same with the funds raised under this Act, or may substitute therefor the said debentures, or any of them, above authorized to be issued by this Act, as may be agreed upon between the corporation and the holders of such outstanding debentures.

**4.** The loan to be raised as aforesaid shall be applied by the <sup>Application of</sup> council to the redemption and payment of the said outstanding <sup>moneys raised.</sup> debentures, and to and for no other purpose whatsoever.

**5.** For payment of the debentures to be issued under this <sup>Sinking fund.</sup> Act, the council shall impose a special rate per annum (over and above and in addition to all other rates to be levied in each year, and over and above all interest to be paid on such debentures), which shall be sufficient to form a sinking fund of two per centum per annum for that purpose.

**6.** The council shall, and it shall be the duty of the treasurer <sup>Investment of</sup> of the said town to invest, from time to time, all money raised sinking fund. by special rate for the sinking fund provided in this Act, either in redemption of any of the debentures hereby authorized to be issued, or in any debentures or stock issued by the Government of Canada, or in any chartered bank of the Dominion of Canada that the council may from time to time approve, or in such other securities as the Lieutenant-Governor of this Province may, by Order in Council, direct.

**7.** It shall not be lawful for the corporation to incur any <sup>Corporation</sup> further debt or liability than is provided for in this Act, except <sup>not to incur</sup> further debt. the yearly current expenses to be paid for out of the annual assessment; and any such contract or undertaking for increasing the debt or liability of the said corporation, contrary to this Act, shall be utterly null and void.

**8.** The corporation, after having called in and paid the said <sup>Repeal of By-</sup> outstanding debentures, may repeal any by-laws of the said <sup>laws levying</sup> council which authorized the levying of special rates for the <sup>special rate.</sup> purpose of satisfying the same.

**9.** The debentures to be issued as aforesaid shall be payable <sup>Debentures,</sup> in not more than twenty years from the date thereof, as the <sup>when to be</sup> corporation may direct, and the interest thereon, at such rate, <sup>payable.</sup> not exceeding eight per centum per annum, as the corporation shall determine, shall be payable half-yearly, according to the <sup>Interest.</sup> coupons attached thereto.

**10.** No irregularity in the form either of the said debentures, <sup>Irregularity in</sup> or of any by-law authorizing the issuing thereof, shall render <sup>form not to in-</sup> validate deben-<sup>tures.</sup> the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount

amount of the said debentures and interest, or any or either of them, or any part thereof.

*Assent of electors to By-law not necessary.*

**11.** It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by "An Act respecting Municipal Institutions in the Province of Ontario," or any Act amending the same.

*Debentures may be in sterling or currency.*

**12.** The said debentures and coupons may be made payable in sterling money, if the council shall so direct.

*This Act not to affect the Municipal Loan Fund Acts.*

**13.** Nothing in this Act contained shall in any wise affect the claim of the Province of Ontario, in respect of the debt contracted under the Act establishing a Consolidated Municipal Loan Fund for Upper Canada and Acts amending the same, or the claims of the holders of the debentures issued in respect of the said debt under the provisions of the Act passed in the thirty-sixth year of Her Majesty's Reign, chaptered forty-seven, and intituled "An Act respecting the Municipal Loan Fund Debt, and respecting certain payments to municipalities."

## CAP. LX.

An Act to legalize and confirm two By-laws passed respectively by the Corporations of the Town of Sarnia and the County of Lambton respecting the erection of Water Works in the said Town, and for other purposes.

[Assented to 10th February, 1876.]

*Preamble.*

WHEREAS the Corporation of the Town of Sarnia did on the seventh day of September in the year of our Lord one thousand eight hundred and seventy-five, pass a By-law intituled "A By-law to authorize the Corporation of the Town of Sarnia to construct a system of Water Works, and for that purpose to raise by loan on security of debentures of the said Corporation the sum of seventy thousand dollars;" And whereas the Corporation of the County of Lambton, through the Council thereof, did on the eighth day of said month of September pass a By-law intituled "A By-law to guarantee the payment of certain debentures and coupons of interest thereto attached to be issued by the Corporation of the Town of Sarnia under a By-law of the said Corporation passed the seventh day of September in the year of our Lord one thousand eight hundred and seventy-five;" And whereas the Municipal Council of the said Town of Sarnia have made full and accurate estimates of the total expense of erecting said system of Water Works and all machinery and buildings connected therewith, and the same will cost about fifty-five thousand

thousand dollars and a balance of fifteen thousand dollars will remain unexpended after the erection of said Water Works; And whereas the Municipal Council of said Town have, by petition, prayed that the said By-laws may be legalized and confirmed, and that the said Council of said Town may have power to expend surplus of fifteen thousand dollars in the purchase of outstanding debentures of said Town and the erection of a Town Hall and other buildings, if necessary, in said Town; and it is desirable to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The said By-laws above cited and all debentures issued or to be issued thereunder, and the guarantee of the payment thereof made by the said Corporation of the County of Lambton, shall be and are hereby declared to be legal, valid and binding. By-laws and Debentures confirmed.

**2.** The Municipal Council of said Town of Sarnia may and can use, expend and appropriate the balance remaining in the hands of the Treasurer of the said Town from the sale of said debentures after the said Water Works are completed and in full operation for the following purposes or any one of them: Appropriation of balance in hands of Treasurer after Water Works completed.

1st. To purchase any outstanding debentures of said Town or place the money therefor in the sinking fund of said Town to redeem said debenture or debentures, when they or any of them mature or become due;

2nd. To erect and build a Town Hall or other public buildings for the use and benefit of said Town.

## CAP. LXI.

### An Act to amend the Act relating to the Election of School Trustees in the City of Toronto.

[Assented to 10th February, 1876.]

WHEREAS the Board of Public School Trustees for the Preamble. City of Toronto have, by their petition, applied for certain amendments to the Act passed in the thirty-second year of Her Majesty's reign, chapter number forty-four, intituled "An Act to amend the Act respecting Common Schools in Upper Canada," and it is expedient to grant their prayer:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

32 V. c. 44,  
s. 2, and sub-  
secs. 2, 3 and 4  
amended.

Time and place  
for meeting for  
nomination.

Nomination of  
returning  
officer.

Notice of  
meeting.

Proceedings at  
the meeting.

Opening of  
poll.

Places for  
holding elec-  
tion.

Returning  
officer.

S. 7 & sub-s. 2  
amended.

Returning  
officer to return  
poll book.

Secretary to  
declare elec-  
tion and post  
up statement.

Secretary may  
vote in case of  
a tie.

**1.** Section two and sub-sections two, three and four of said Act are hereby repealed, and the following shall be substituted in place thereof:—

**2.** A meeting of the electors for the nomination of candidates for the office of school trustees shall take place at noon on the last Wednesday in December annually, or on the day following should the same be a holiday, at such place in each ward thereof as shall from time to time be fixed by resolution of the Board ;

(2.) The Board shall by resolution name the returning officer for each ward, who shall preside at the meeting for the nomination of candidates, and in case of the absence of such presiding officer, the chairman chosen by the meeting shall preside ; and the Secretary of the Board shall give at least six days' notice of such meeting ;

(3.) At the said meeting, if only the necessary number of candidates to fill the vacant offices shall be proposed and seconded, the returning officer or chairman shall, after the lapse of one hour, declare such candidates duly elected ; but if two or more candidates be proposed and a poll is demanded by any candidate or elector, the returning officer or chairman shall adjourn the proceedings for filling such office until the second Wednesday in January thereafter, when a poll or polls shall be opened in each ward or electoral division and at such place or places therein respectively as shall be determined by resolution of the said Board respectively for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer ;

(4.) The Board shall by resolution fix the places for holding the election and also name the returning officers who shall preside at the respective polling places.

**2.** Section seven and subsection two are hereby repealed, and the following shall be substituted in place thereof:—

1. The returning officer shall on the day after the close of the election, return the poll book to the Secretary of the Board of public school trustees, with his solemn declaration thereto annexed, that the poll book has been correctly kept, and contains a true record of the votes given at the polling place for which he was returning officer ;

2. The Secretary of the Board shall add up the number of votes for each candidate for any office, as appears from the poll books so returned, and shall declare elected the candidate or candidates having the highest number of votes, and shall at noon on the day following the return of the poll books put up in some conspicuous place at his office a statement under his hand, shewing the number of votes for each candidate ;

3. In case two or more candidates have an equal number of votes, the Secretary of the Board at the time he declares the result of the poll shall give a vote for one or more of such candidates so as to decide the election.

**3.** If after the election of any person as member of the Board he be convicted of felony or infamous crime, or absent himself from the meetings of the Board for three months without being so authorized by a resolution of the Board, entered on its minutes, his seat shall thereby become vacant, and the Board shall declare the seat vacant and order a new election.

**4.** Any member of the Board may, with the consent of the majority of the members present, to be entered on the minutes of the Board, resign his seat at the Board.

**5.** In case of any vacancy arising from any of the above causes, or from death, the Board shall take steps to hold a new election to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled.

**6.** The new election shall be conducted in the same manner as provided in the foregoing sections as regards naming the places and returning officers, and the Secretary of the Board shall give at least six days' notice of the nomination of candidates, and in case a poll be demanded the election shall be had one week from the day of said nomination, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer.

**7.** Section three of the said Act is hereby amended by striking out the words, "The Clerk of the Town or City shall not later than the Monday preceding," and inserting in lieu thereof the words "The Clerk of the City of Toronto shall not later than one month prior to."

**8.** The Board, in addition to the powers conferred upon them under the Consolidated School Act of 1874, in reference to the compulsory taking of land for school sites, shall have the power to settle all claims or rights had by any person or persons other than the owner of the said land over any land so required as a site for a public school, by arbitration, in the same manner as is provided for the compulsory extinguishment or settlement of the owner's rights over the said land.

## CAP. LXII.

An Act to empower the Corporation of the City of Toronto to dispose of a portion of the Garrison Reserve in said City.

[Assented to 10th February, 1876.]

**Preamble.**

**W**HHEREAS the Corporation of the City of Toronto have, by their petition, represented that the lands hereinafter described (with other lands) were granted to them by Letters Patent under the Great Seal of the late Province of Canada, for the purpose of being dedicated and maintained as a public park ; and that a great portion of the said land is broken ground and would require the expenditure of a large sum of money, in order to be made suitable for the said purpose : and that the said corporation already possesses, or is about to acquire, in addition to the University or Queen's Park, three other parks containing in all about four hundred acres, which parks will for some time to come be sufficient for the requirements of the citizens, and that the lands hereinafter described have now become exceedingly valuable for building purposes ; and the said corporation has therefore petitioned for power to sell, lease, or otherwise dispose of the said lands free from the said trust ; and it is expedient to grant the prayer of the said petition ; And whereas, the said lands comprise all and singular that certain parcel or tract of land situate, lying and being within the liberties of the City of Toronto aforesaid, being composed of part of the military reserve within the said liberties, and which may be otherwise known as follows : That is to say, commencing at an Ordnance boundary stone, planted on the south side of Queen Street, in the year one thousand eight hundred and fifty-three, by Sandford Fleming, P. L. S., and verified and approved by the officers of the Royal Engineer and Ordnance Departments, which stone is situated on the south side of Queen Street, at the north-east angle of a lot granted to and at present occupied by Mr. Farr, brewer ; The stone is marked <sup>o. E.S.</sup>; and may be found between the north-east angle of Farr's brick brewery and the south side of the stone bridge, which conveys the water of the Garrison Creek under Queen Street ; thence south fifteen degrees twenty minutes east, along the east side of Farr's lot three hundred and sixteen links, to a boundary stone marked thus <sup>IX.</sup> <sub>O.E.S.</sub> ; thence south-easterly on a straight line one hundred and seventy links, more or less, to the intersection of the north side of Clifford Street with the east side of a lane recently laid out ; thence southerly along the east side of said lane produced to the south side of Wellington Street ; thence westerly along the south side of Wellington Street four hundred and sixty-six feet, more or less, to Strachan's Avenue ; thence southerly along the east side of Strachan's Avenue produced three hundred and ten links ; thence easterly in a direct line along the northerly side

side of allowance for Front Street to be continued over the embankment, at present used by the Northern Railway, to an Ordnance boundary stone marked o.<sup>XV.</sup><sub>B.S.</sub>; planted at the south side of a block of land formerly owned by the late Honourable Receiver-General Dunn, and which stone, marked o.<sup>XV.</sup><sub>B.S.</sub> is four hundred and seventy-two links easterly from the intersection of the west side of Bathurst Street, with the north side of Front Street; thence north-westerly along the Ordnance boundary on a direct line six hundred and thirty-nine links, to a stone marked o.<sup>XIV.</sup><sub>B.S.</sub> on the west side of Tecumseth Street; thence north-westerly, following the said boundary along a curve having a radius of twenty-five chains, a distance of one thousand one hundred and twenty-two links, to a stone marked o.<sup>XIII.</sup><sub>B.S.</sub>; thence north-westerly, still along the said boundary, along a curve with a radius of two thousand nine hundred and twenty-five links, a distance of one thousand one hundred and five links, to a stone marked o.<sup>XII.</sup><sub>B.S.</sub>, planted on the north side of King Street; thence northerly, on a curve having a radius of seventy chains, and being on the said boundary, a distance of one thousand eight hundred and twenty-four links to a boundary stone marked o.<sup>XI.</sup><sub>B.S.</sub>, planted on the south side of Queen Street; thence westerly, along the south side of Queen Street two hundred and ten links, to the place of beginning, containing about twenty-two and one-half acres.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

I. The said the Corporation of the City of Toronto shall have the same power to sell, lease, or otherwise dispose of the lands in the preamble described or of any part or parcel thereof, as any person has with regard to lands of which he is seized in fee simple absolute, and all sales, leases, or other dispositions thereof heretofore made by the said corporation shall be, and be deemed to have been, valid notwithstanding anything in the said patent contained : Provided that the proceeds of any such sale, lease, or other disposition shall form part of the Walks and Garden Fund of the said corporation, and shall be used and applied only in the acquisition and maintenance of public parks, squares and gardens for the use of the citizens of the said City of Toronto.

Power to sell  
the Garrison  
Reserve.

## CAP. LXIII.

## An Act respecting the City of Toronto, the Toronto Street Railway Company and other matters.

[Assented to 10th February, 1876.]

Preamble.

**W**HEREAS the Corporation of the City of Toronto have, by their petition, prayed for amendments to various Acts relating to certain incorporated bodies exercising powers within the said city : And it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

36 V. c. 101,  
amended.Repairing the  
Street Rail-  
way.

1. The Act passed in the thirty-sixth year of Her Majesty's reign, chaptered one hundred and one is hereby amended by adding at the end of section six the words : Provided

(1.) The said Toronto Street Railway Company in repairing the roadway between their rails and for one foot six inches on the outside of each rail shall, within the City of Toronto, be bound to use for such repairs the same materials and mode of construction as that from time to time in use by the city corporation for the remainder of the street, unless, and while compliance with this condition is, in the opinion of the city engineer for the time being of the City of Toronto, impracticable by reason of such remainder of the street not being so constructed or in such state as will enable the said company to comply therewith, and where the material laid down upon such remainder of the street is macadam or gravel it shall be optional with the said the Toronto Street Railway Company to use stone paving ;

(2.) Where block pavement is now in use and whenever the Corporation of the City of Toronto makes a change in the kind of pavement for the time being in use on any of the streets traversed by the said railway, they shall be bound, in the first place to construct, and when the same shall be worn out to renew, the pavement on that part of the street which the said company is bound to repair as aforesaid :

(3.) Subject to the provisions hereinbefore contained should the said railway company neglect to keep the track or roadway or crossings, or the space of eighteen inches on the outside of the rails in good condition, or to have the necessary repairs made thereon, the city engineer or other proper officer shall give written notice at the head office of the company, requiring the said repairs to be made forthwith, and unless such repairs are commenced within five days and carried on with all reasonable despatch to the satisfaction of the city engineer, the said engineer may cause such repairs to be made at the expense of the city, and the amount so expended shall be recoverable against the said company in any court of competent jurisdiction.

**2.** The Act of the Parliament of the late Province of Canada <sup>24 V. c. 83,</sup> passed in the twenty-fourth year of the reign of Her Majesty Queen Victoria, chaptered eighty-three, is hereby amended by inserting after the word "shall" in the first line of the sixth section thereof the words "as nearly as practicable."

**3.** The Act passed in the sixteenth year of Her Majesty's <sup>16 V. c. 142,</sup> reign, chaptered one hundred and forty-two, is hereby amended <sup>amended.</sup> by adding at the end of section one the words : "Provided, that for the purpose of laying mains it shall not be lawful for the said company, except with the written consent of the engineer <sup>Breaking up streets to lay mains.</sup> of the City of Toronto, or the person for the time being acting as such, to break up or interfere with any of the streets, squares, lanes or passages of the said City of Toronto until after thirty days' notice in writing of such intention shall have been given to the engineer of the said City of Toronto or to the person for the time being acting as such, but that it shall be lawful for the said company to break up and interfere with such streets, squares, lanes or passages for the purpose of laying service pipes and for repairing any pipes in case of accident, without giving any notice to the said engineer, or to the person for the time being acting as such, or to the said corporation : Provided, further, that unless any street, lane, square or passage broken up for the purpose of laying mains, or for any other purpose, by the said company, is within forty-eight hours thereafter restored to its original condition and so kept in repair by the said company for six months, ordinary wear and tear excepted, the said engineer may at any time within the said period of six months, upon giving forty-eight hours' notice in writing of such non-repairs at the head office of the said company, order the same to be restored to its former condition at the expense of the city, and deduct the cost of such repairs from any money due by the said the Corporation of the City of Toronto to the said company."

**4.** The first section of an Act passed in the thirty-second <sup>32 V. c. 81,</sup> year of Her Majesty's reign, chaptered eighty-one, intituled <sup>s. 1, amended.</sup> "An Act for the relief of the Toronto Street Railway Company and for other purposes," is hereby amended by adding to the proviso at the end thereof the words "unless by the use of the most improved and effective apparatus obtainable for that purpose, and subject to the test and approval of the engineer of the City of Toronto.

## CAP. LXIV.

## An Act to amend the Acts relating to the Toronto Water Works.

[Assented to 10th February, 1876.]

## Preamble.

WHEREAS the Corporation of the City of Toronto have petitioned for certain amendments to the Act passed in the thirty-fifth year of Her Majesty's Reign, chaptered seventy-nine, intituled "An Act to authorize the corporation of the City of Toronto to construct Water Works in the City of Toronto, and to amend the Act passed in the thirty-seventh year of Her Majesty's Reign, chapter seventy-five, intituled "An Act to amend the Act passed in the thirty-fifth year of Her Majesty's Reign, chaptered seventy-nine." And whereas it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

## Power to issue debentures.

**1.** The said Corporation of the City of Toronto shall, without taking a vote of the ratepayers, have power from time to time, or at any one time, to issue debentures in accordance with the provisions of the said Act, passed in the thirty-fifth year of the reign of Her Majesty, chaptered seventy-nine, to an extent not exceeding in the whole nine hundred thousand dollars, in addition to the sum of eleven hundred thousand dollars mentioned in the fourth section of the said Act, passed in the thirty-seventh year of the reign of Her Majesty, and chaptered seventy-five (making a total sum not exceeding two millions of dollars), and all provisions of the said Act chaptered seventy-nine shall apply to the said debentures and to the holders thereof, and to the sums of money to be borrowed thereon, in the same way as if the issue of the said debentures had been authorized by the said Act, chaptered seventy-nine, and the provisions thereof had been made specially applicable to them, and all the debentures issued under the said Acts, and this Act shall rank equally and without priority as if all had been issued at the same time.

## Sale of land under 35 V., c. 79, s. 10.

**2.** Upon any sale of lands under the tenth section of the said Act, chaptered seventy-five, the same when sold shall be free from any charge, mortgage or lien created by this Act, and the said recited Acts or either of them.

## Sale of land under 35 V., c. 79, s. 10.

**3.** The Corporation of the City of Toronto may make sales of lands under the said tenth section of the said Act, chaptered seventy-five, on credit, and may take back a mortgage or mortgages thereon to secure the purchase money or any portion thereof,

thereof, and shall have all the rights, powers and remedies whatsoever expressed in, or implied by, or incident to every and any such mortgage as fully in every event as if such mortgage had been made to a private individual and this enactment shall apply to any sale made prior to the passing of this Act.

**4.** The time for the completion of the said Water Works limited by the ninth section of the said Act, chaptered seventy-five is hereby extended until the thirty-first day of December, one thousand eight hundred and seventy-seven, and upon the Extension of  
time for com-  
pletion of  
Water Works.  
said date the said commission and the powers and duties thereof shall cease and be determined, and the said Water Works shall thenceforth be controlled by a committee to be annually appointed for that purpose by the Corporation of the City of Toronto; Provided that the provisions of this section, except as to the extension of the time for the completion of the said works, shall not take effect or come into operation unless and until on or before the thirty first day of December, one thousand eight hundred and seventy-seven, the assent of the rate-payers of the said City of Toronto, entitled to vote on by-laws requiring the assent of the rate-payers, shall have been first obtained thereto, by a vote taken thereon in the manner prescribed by the "Act respecting municipal institutions in Ontario," for taking a vote on such by-laws.

**5.** The sixth section of said chapter seventy-nine is amended <sup>35 V.. c. 79,</sup> <sub>s. 6, amended.</sub> by adding thereto the words following: Notwithstanding anything in this Act contained, the said commissioners, their servants or agents, shall not cut, dig up or in any way interfere with any of the public ways, streets, lanes or other passages within the City of Toronto, for the purpose of laying mains, until after thirty days' notice in writing of such intention shall have been given to the engineer of said city or to the person for the time being acting as such, but that it shall be lawful for the said commission without giving any notice to dig up and interfere with such ways, streets, lanes, or other passages for the purpose of laying service pipes or making repairs in case of accident, but the commission may at any time with the written assent of the engineer or acting engineer of the said city dig up and interfere with such ways, streets, lanes, or other passages without giving such notice or before the time limited by such notice has expired, and all ways, streets, lanes and other passages so dug up or interfered with shall be restored to their original condition, without unnecessary delay.

**6.** All service pipes which may be required shall henceforth Service Pipes. be constructed and laid down up to the outer line of the street by the said commission who shall be solely responsible for keeping the same in repair, and the owners of the premises up to which the same may extend shall pay to the commission the cost of constructing and laying down such service pipe, and such cost shall be a charge on said premises and shall be

be payable with the first payment of water rent or rates, and may be collected in the same manner as water rents or rates.

*Consulting  
Engineer to  
the Water  
Works.*

7. The Corporation of the City of Toronto shall have power by resolution of council to appoint their city engineer as a consulting engineer of the said commission from the day of the passing of this Act to the thirty-first day of December, one thousand eight hundred and seventy-seven, and as the sole engineer of the said commission after the said last mentioned date.

## CAP. LXV.

### An Act to amend the Acts relating to the Toronto General Hospital.

[Assented to 10th February, 1876.]

Preamble.

WHEREAS it is expedient to amend the Acts relating to the Toronto General Hospital as hereinafter provided : Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Trustees, how  
to be ap-  
pointed.

1. The trustees of the Toronto General Hospital shall hereafter be appointed and hold office as follows : three shall be appointed by the Lieutenant-Governor in Council, to hold office during pleasure ; one shall be appointed by the Council of the Corporation of the City of Toronto, who shall be a resident of the city, but not a member of the city council, nor a medical practitioner in actual practice ; and the others shall be elected by the majority of votes of annual subscribers to the funds of the hospital for the current year of twenty dollars at the least.

Tenure of  
office by  
trustees.

2. All of the said appointments shall be annual, taking effect from the first day of January and terminating on the thirty-first day of December in each year ; they shall be made in the first week in December previously ; and the present trustees, including any trustee to be appointed by the city council and Board of Trade respectively for the current year, shall hold office till the first day of January, one thousand eight hundred and seventy-seven.

Funds from  
individual  
subscriptions.

3. The funds arising from the contributions of individual subscribers for hospital purposes shall be exclusively applied to the maintenance of patients so far as the same may extend ; and any subscriber to the amount of one hundred and fifty dollars

dollars for any one year shall have the right of nominating a sick person, not afflicted with any infectious disease, to fill a free bed, and to any vacancy occurring therein during the said ~~Free beds.~~ year, subject to such regulations as the trustees may adopt.

**4.** The trustees are authorized to appoint a medical staff of ~~Medical staff.~~ twelve persons, to hold their positions at the pleasure of the trustees, but to terminate on the thirtieth day of June in each year ; any of said staff may be re-appointed for the ensuing year.

**5.** The trustees shall also have power to appoint a staff of <sup>Powers and duties of trustees.</sup> consulting physicians and surgeons of not more than six persons, to hold their position for the same period as the medical staff ; and the trustees may pass by-laws (subject to the approval of the Lieutenant-Governor in Council) for regulating the duties of the medical and consulting staffs, and matters and routine relating to medical attendance ; and the trustees may permit any of the duties of the medical staff to be discharged by such substitute or assistant as the trustees may approve of.

**6.** The trustees shall have power to issue new debentures <sup>Power to issue new debentures.</sup> to the amount of fifty thousand dollars, bearing interest at six per cent. per annum, payable half-yearly on the first days of January and July in each year ; the proceeds of the said new debentures shall be applied to pay off and discharge the presently outstanding debentures of the hospital trust : Out of the income derived by the trustees from rents accruing from the hospital endowment, the trustees shall from time to time as such rents are received set apart and pay into a special account sufficient sums to meet in full, half-yearly, the interest on said debentures as the same are payable, and such accounts shall be called " Hospital Trust Debentures Interest Account," and the amounts at the credit thereof shall be strictly applied for the payment of the said interest : The said debentures shall, without registration or formal conveyance, be taken and considered to be the first and preferential charges and incumbrances upon all the real estate of the hospital held by the trustees, subject to any charges now existing in respect of outstanding debentures or otherwise, and each holder of the said debentures shall be deemed to be a mortgagee *pro rata* with all other holders of such debentures upon the real estate of the hospital as aforesaid, but the said trustees may sell or convey such real estate or any part thereof, as in their judgment may seem best for the purpose of the trust ; but the proceeds of any such sale shall be applied *pro tanto* to redeem the said debentures, or shall be set apart and invested as a sinking fund for the payment of said debentures, and shall not be otherwise applied ; and upon any such sale, the charge of the debentures shall cease upon the lands sold, but continue upon the proceeds thereof, as fully as if no conversion of the said land had taken place,

place, and the purchase money shall stand subject to such charge in lieu of the said land.

Payment to  
the Misses  
Olsen  
confirmed.

7. The trustees having found it expedient, in settling with the estate of the late Erland Erlandson for a bequest made by him for hospital purposes, to pay the sum of one hundred pounds sterling to the Misses Olsen, of Copenhagen (Denmark), such payment is hereby authorized.

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## CAP. LXVI.

### An Act to authorize the sale of certain lands by the Trustees of the Toronto General Burying Grounds to the City of Toronto.

[Assented to 10th February, 1876.]

Preamble.

WHEREAS the lands hereinafter described are vested in the Trustees of the Toronto General Burying Grounds and are by the said corporation held subject to and for the carrying out of certain trusts in and by the Act of incorporation and other Acts relating to the said the Trustees of the Toronto General Burying Grounds, declared and set forth respecting the same; And whereas, upon the said the Trustees of the Toronto General Burying Grounds proceeding to use the said lands for the burial of the dead, being the sole purpose for which the said lands are held by them, objection thereto was taken by the Municipal Council of the Corporation of the City of Toronto, by reason of the fact that since the said lands had been acquired by the Trustees of the Toronto General Burying Grounds for the purposes aforesaid, that portion of the said City of Toronto in which the said lands are situate having become filled with a large and still increasing population, great injury was feared to the health and comfort of those residing in the said vicinity from the use of the said lands for the interment of the dead; And whereas, but few lots have been sold for burial purposes and few interments have been made in the said lands, and the said lots have, for the most part, been reconveyed to the said the Trustees of the Toronto General Burying Grounds and the bodies of those already interred therein have, with the consent of all parties, been removed with the exception of three, in regard to the removal of which, negotiations are now pending; And whereas, the said the Trustees of the Toronto General Burying Grounds having acquired a large parcel of land at a much greater distance from the densely populated portions of the said City of Toronto, which said parcel of land is held by them subject to the same trusts and for the same purposes as the lands hereinafter described, are willing, subject to such terms

terms as are or may be agreed upon, to sell and convey to the said Municipal Council of the Corporation of the City of Toronto the lands hereinafter described and hereby empowered to be sold and conveyed; And whereas, the said Municipal Council of the Corporation of the City of Toronto, and the said the Trustees of the Toronto General Burying Grounds have by their petition set forth the advantages to be derived by the inhabitants of the north-eastern portion of the said City of Toronto from the establishment of a public park in that portion of the said city, and prayed that an Act may be passed authorizing the sale and conveyance of the said lands to the said the Municipal Council of the Corporation of the City of Toronto for the purpose of forming part of an Eastern Public Park, in the said City of Toronto; And whereas in consideration of the benefits to be derived from the establishment of such a park as aforesaid, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said corporation, the Trustees of the Toronto General Burying Grounds, shall have power to sell and convey to the Municipal Council of the Corporation of the City of Toronto, free and discharged from the trusts upon which the same are by them held, that portion of the lands in the said City of Toronto now vested in the said the Trustees of the Toronto General Burying Grounds and known as the Toronto Necropolis, lying south of Winchester Street in the said City of Toronto and bounded on the east by the River Don, on the south by Carleton Street, on the west by Sumach Street and on the North by Winchester Street aforesaid, which may be more particularly described as follows, that is to say: Being all and singular that certain piece or parcel of land being part of lots numbers fifteen and sixteen in the first concession from the bay, in the Township of York, in the County of York and which is butted and bounded as follows: Commencing where a stake has been planted at the intersection of the east side of Sumach Street and the north side of Carleton Street, formerly Elm Street; thence north sixteen degrees west seven chains to the intersection of the east side of Sumach Street with the south side of the Don Mills Road, now called Winchester Street; thence easterly and northerly along the south side of the said road about twenty-five chains twenty-five links, more or less, to the west bank of the River Don; thence south fifty-three degrees thirty minutes east with the stream, along the bank of the said river, two chains twenty-four links to a stake; thence south three degrees thirty minutes west three chains twenty-two links; thence south forty-two degrees fifteen minutes west ten chains fifty-three links; thence south twenty-five degrees west three chains sixty links; thence south ten degrees fifteen minutes west one chain forty-one links, more or less, to the north side of Carleton Street, formerly Elm street; thence south twenty-four

Power to the  
Trustees of the  
Toronto Gene-  
ral Burying  
Grounds to  
sell certain  
lands to the  
City of  
Toronto.

twenty-four degrees west eight chains sixty-three links, more or less, to the place of beginning, and which said piece or parcel of land contains by admeasurement eleven acres and twenty-one hundredths of an acre, more or less, statute measure, being high land ; and also that certain other piece or parcel of land, being part of the above mentioned lots numbers fifteen and sixteen in the first concession from the bay, in the Township of York aforesaid, and which is butted and bounded as follows: Commencing at a stake placed on the north side of Carleton Street, formerly Elm Street, on a course north seventy-four degrees, east at a distance of eight chains sixty-three links from the intersection of the east side of Sumach Street and north side of Carleton Street, formerly Elm Street; thence north seventy-four degrees east four chains fifteen links to the west bank of the River Don ; thence against the stream, following the windings of the river, about twelve chains to a stake placed on the bank on the west side of a proposed cut or canal, one hundred feet wide ; thence north twenty-three degrees fifty minutes west six chains sixty-six links to the west bank of the River Don where a stake has been planted ; thence against the stream north fifty-three degrees thirty minutes west one chain twenty three links to a stake heretofore described ; then south three degrees thirty minutes west three chains twenty-two links ; thence south forty-two degrees fifteen minutes west ten chains fifty-three links ; thence south twenty-five degrees west three chains and sixty links ; thence south ten degrees fifteen minutes west one chain forty-one links, more or less, to the place of beginning, containing by admeasurement six acres and fifteen hundredths of an acre, more or less, statute measure being low land or flats, which said lands if and when and so soon as sold and conveyed by the said the Trustees of the Toronto General Burying Grounds pursuant to the powers in this Act given, are to be held by the said the Municipal Council of the Corporation of the City of Toronto for the purpose of forming part of an Eastern Public Park in the said City of Toronto.

**Existing  
agreement  
with the City.**

**2.** A certain agreement for the sale of the said lands for the purposes aforesaid, made between the Municipal Council of the Corporation of the City of Toronto and the Trustees of the Toronto General Burying Grounds, and dated the thirteenth day of December, in the year of our Lord one thousand eight hundred and seventy-five is hereby confirmed and declared to be of full force and effect.

**Removal of  
the dead.**

**3.** The said the Trustees of the Toronto General Burying Grounds shall have power to remove of their own accord the remains of the dead now interred in the said lands hereby authorized to be sold, in case the friends and relatives of the dead should not themselves remove the said remains within thirty days after being notified in writing so to do, and in case the friends or relatives of any of the dead now remaining therein

therein interred cannot, after due enquiry, be found, then the said the Trustees of the Toronto General Burying Grounds shall have power, of their own accord, and without any notice, to remove the said remains of the dead now interred in the lands hereby authorized to be sold; and the remains removed shall be re-interred at the expense of the said the Trustees of the Toronto General Burying Grounds in that portion of the Toronto Necropolis lying north of Winchester Street, in the said City of Toronto, in burial places or lots corresponding in size as nearly as may be with those from which such remains shall have been removed.

**4.** Any party or parties owning a burial lot or lots in the said lands hereby authorized to be sold shall be entitled to receive at the costs and charges of the said trustees a conveyance of a burial lot or lots in that part of the Toronto Necropolis lying north of Winchester Street, in the said City of Toronto, such lot or lots to correspond in size and value as nearly as may be with the lot or lots now owned by such party or parties in the lands hereby authorized to be sold, and the said the Trustees of the Toronto General Burying Grounds shall, upon request, convey to any party or parties now owning burial lots in that portion of the lands of the said corporation hereby authorized to be sold, lots corresponding in size and value as nearly as may be in that part of the Toronto Necropolis lying north of Winchester Street, in the said City of Toronto; and the lots to be conveyed to such party or parties (if any) are to be accepted by them in lieu of the lots now held by them for burial purposes in the lands hereby authorized to be sold, and in lieu of all right, title, claim, interest or demand they may have in respect thereof, and the said corporation the Trustees of the Toronto General Burying Grounds are hereby authorized to sell and convey as aforesaid the lands hereinbefore described, free and discharged of and from all right, title, interest, claim and demand of such person (if any) as may now hold lots for burial purposes in the lands hereby authorized to be sold.

**5.** The remains of the dead, in and by an Act passed in the thirty-eighth year of the reign of Her Majesty, chaptered ninety, authorized to be removed from the Potters Field, in the said Act mentioned to the Toronto Necropolis, may at the option of the said The Trustees of the Toronto General Burying Grounds be removed to the Mount Pleasant Cemetery instead of to the said Toronto Necropolis as in the said Act provided; and the said corporation, The Trustees of the Toronto General Burying Grounds may, at their option, instead of conveying burial lots in the Toronto Necropolis, as in section two of the said Act provided, convey burial lots in the said Mount Pleasant Cemetery.

## CAP. LXVII.

## An Act to amend the Act incorporating the Central Station and Warehousing Company of Toronto.

[Assented to 10th February, 1876.]

## Preamble.

**W**HEREAS the Central Station and Warehousing Company of Toronto have, by their petition, represented that unless they obtain power to construct approaches, and lay tracks to their station, across the tracks of any railway company using the Esplanade in the City of Toronto, the powers conferred upon them by their Act of Incorporation will be inoperative; And whereas, it is expedient to grant the prayer of the said petition:—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Intersecting Railway tracks.

**1.** The said company is hereby empowered to construct approaches to their station, and to lay tracks leading in and out of their station, crossing, intersecting, joining, and uniting the tracks or approaches of any railway at any point in the City of Toronto, between Bay and John Streets, or Bay and John Streets continued to the lake, and upon the aforesaid lands of such railways, with the necessary conveniences within the said limits, and the said company and railway company may unite in forming such intersection, and grant the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the exact point or manner of crossing and connection, the same shall be determined by an arbitrator, to be appointed by a judge of one of the superior courts.

## Arbitration.

## Company not to avail itself of the powers of last section without application to Board of Railway Commissioners.

**2.** The company shall not avail itself of any of the powers contained in the first section of this Act without application to the Commissioner of Public Works for the Province of Ontario, and also to the Railway Committee constituted by the twenty-third section of the Railway Act, 1868, (of which application notice in writing shall be given to the railway affected, by sending the same by mail or otherwise, to the address of the president, superintendent, managing director, or secretary of such railway company,) for approval of the mode of crossing, union, or intersection proposed; and when such approval has been obtained it shall be lawful for either the company, or the railway company affected, in case of disagreement as to the amount to be paid for compensation, to proceed for such compensation as provided by the first section of this Act.

## Arbitration.

## Certain clauses

**3.** All the clauses of the Railway Act respecting the rules and

and regulations to be adopted when one railway company of Railway Act crosses or intersects another, shall apply to the crossings made <sup>to apply.</sup> and maintained under this Act.

**4.** Section twelve of the Act of Incorporation of the said company is hereby amended, by substituting the word "four" for <sup>s. 12, amended.</sup> the word "two," and the word "six" for the word "four," in the second line of the said section. <sup>38 V. c. 62,</sup>

## CAP. LXVIII.

### An Act to incorporate the Belleville and Ottawa River Railway Company.

[Assented to 10th February, 1876.]

**W**HEREAS the construction of a railway from some point <sup>Preamble.</sup> on the waters of the Bay of Quinté, within the limits of the Town of Belleville, or from some point on the line of the Grand Junction Railway, via the Valley of the Moira to the Village of Tweed, and thence to the Village of Bridgewater, and from the Village of Bridgewater by the most direct practicable route to the York Branch of the Madawaska River, and thence by the most practicable route to the Ottawa River, with power to build a branch line from Bridgewater via the Village of Madoc to the Moore and Dufferin iron mines in the Township of Madoc; also for power to build branch lines from any point on the main line to any ore beds that may be required within the County of Hastings, with full power to make running arrangements with the said Grand Junction Railway, or other Railway Companies whose railways connect the Provinces of Ontario and Quebec, for the public convenience and accommodation of the inhabitants of the said portion of the said Province:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Honourable Billa Flint, John Graham, Harford Ashley, Peter C. Gunter, William White, William McLaren, Robert Barry, Peter Vankleek, John White, M. P., Dermot Kavanagh, Alfred A. Farley, William R. Aylsworth, William Hamilton Ponton and William Hudson, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of the Belleville and Ottawa River Railway Company, and after the passing of this Act the <sup>Certain persons incorporated.</sup> said

said Honourable Billa Flint, John Graham, William White, John White, M.P., Harford Ashley, William McLaren, William R. Aylsworth, William Hamilton Ponton and William Hudson, shall be the provisional directors of said company.

Certain clauses  
of the Railway  
Act to apply.

**2.** The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments thereto, as also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "action for indemnity and fines and penalties, and their prosecutions," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and deemed to be a part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Interpretation  
of the words  
"this Act."

Location of  
railway.

**3.** The said company shall have full power under this Act to construct a railway from some point on the waters of the Bay of Quinte, within the limits of the Town of Belleville, or from some point on the line of the Grand Junction Railway, at or near the Town of Belleville, via the Valley of the Moira to the Village of Tweed, and thence to the Village of Bridgewater, and from the Village of Bridgewater by the most practicable route to the York branch of the Madawaska River, and thence by the most practicable route to the Ottawa River, with power to build a branch line from Bridgewater via the Village of Madoc to the Moore and Dufferin iron mines in the Township of Madoc; also power to build branch lines from any point on the main line to any ore beds within the County of Hastings, with full power to make running arrangements with the said Grand Junction Railway, or other Railway Companies whose railways connect the Provinces of Ontario and Quebec.

Gauge to be  
four feet eight  
and a half in-  
ches.

**4.** The said railway shall be of the gauge of four feet and eight and one-half inches.

Agreements  
with other rail-  
way com-  
panies.

**5.** It shall be lawful for the said company to enter into any agreement with any other railway in the Province of Ontario, for leasing the said railway or any part thereof to such other company, or for leasing or hiring from such other company any railway or any part thereof, or for leasing or hiring locomotives or other rolling stock, and generally to make any agreement or agreements with any such other company touching the use by one or the other or by both companies, of the railway or movable property of either, or of both, or of any part thereof; or touching

touching any service to be rendered by one company to the other, and the compensation thereof; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease or agreement shall be and is hereby empowered to exercise all the rights, powers and privileges in this Act conferred: Provided the said leases, agreements or agreements, have been first respectively sanctioned at special general meetings of the shareholders, called for the purpose of considering the same respectively, under the provisions of the Railway Act, and then by a vote to that end of two-thirds of the shareholders present, either in person or by proxy.

**6.** Conveyances of lands to the said company for the purposes of and powers given by this Act, may be in the form set out in the Schedule A hereunder written, or the like effect, and shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

**7.** The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who upon being so named shall become and be directors of the company equally with themselves; to open stock books, and procure subscriptions of stock for the undertaking; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such other powers as under the Railway Act are vested in such boards: the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any person from subscribing who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and, in such allocation, the said directors may in their discretion exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

Form of conveyance to the company.

Registration.

Provisional directors.

Directors may exclude certain persons from subscribing to stock.

**Capital stock.** **8.** The capital of the company hereby incorporated shall be three hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into fifteen thousand shares of twenty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village on the line of such works may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

**Ten per cent.  
of the stock to  
be paid up.**

**9.** On the subscription for shares of the said capital stock each subscriber shall pay ten per centum of the amount subscribed by him into some chartered bank to be designated by the directors, to the credit of the said company.

**Future calls.**

**10.** Thereafter calls may be made by the directors for the time being, as they shall see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber and at intervals of not less than thirty days.

**General meet-  
ing for the  
election of  
directors.**

**11.** As soon as shares to the amount of fifty thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in the Town of Belleville, which shall on no account be withdrawn therefrom unless for the service of the company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof for the purpose of electing directors to the said company.

**Directors may  
accept pay-  
ment in full of  
stock.**

**12.** It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

**How meeting  
may be called**

**13.** In case the provisional directors neglect to call such meeting

meeting for the space of three months after such amount of if provisional  
the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

**14.** In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, and in one local newspaper published at Belleville, once in each week, for the space of at least four weeks, and such meeting shall be held at the Town of Belleville, at such place therein and on such day as may be named by such notice: at such general meeting the subscribers for the capital stock assembled who shall have so paid ten per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

**15.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least two weeks previously in the *Ontario Gazette*, and in one local newspaper published at Belleville once in each week.

**16.** Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company.

**17.** Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, provided that no one shareholder shall be entitled to more than one hundred votes at any meeting, notwithstanding the amount of shares held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

**18.** At all meetings of the company the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such person shall at such meetings be entitled equally with other shareholders to vote by proxy.

**19.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least

Notice of general meeting.

Election of directors.

Special general meetings.

Corporations, how represented at meetings.

Qualification of directors.

least fifty shares of the stock in the company, and unless he has paid up all calls due thereon.

**Quorum of  
directors.**

**20.** Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby invested in the said directors.

**Aid to com-  
pany from Go-  
vernment, etc.**

**21.** The said company may receive from any Government, or from any person or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

**Aid from mu-  
nicipalities.**

**22.** Any municipal corporation which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions set forth in the Municipal Institutions Act or Acts.

**Interpretation  
of words  
"minor mu-  
nicipality."**

**23.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

**Provisions of  
by-law.**

**24.** Every by-law shall in each instance provide :

1. For raising the amount in the municipality by the issue of the debentures of such municipality, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law ;

2. For assessing and levying upon all ratable property lying within the municipality defined in said by-law, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments, of principal and interest, which debentures the respective municipal councils, wardens, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively : Provided that in case the sum raised under the authority of such by-law, is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

**If by-law de-  
feated, limit of**

**25.** In case the by-law submitted is not approved of, no other by-la

by-law, which is in substance the same, shall be submitted to time for sub-  
the voters of the same municipality, until after the expiration mitting similar  
of six months from such rejection. one.

**26.** In case the by-law submitted be approved of or carried If by-law car-  
by a majority of the votes given thereon, then within four ried, council to  
weeks after the date of such voting, the municipal council pass the same;  
which submitted the same, shall read the said by-law a third  
time and pass the same.

**27.** Within one month after the passing of such a by-law, and issue the  
said council, and the warden, mayor, reeve, or other officers debentures.  
thereof, shall issue the debentures necessary to raise the sum  
mentioned in such by-law, and deliver the same to the trustees  
to be appointed under this Act.

**28.** The corporation of any county municipality shall be at County  
liberty to take the debentures issued by any township in aid of corporations  
the railway company, and give in exchange therefor to the their deben-  
said township a like amount of debentures of the said county, tures for those  
on a resolution to that effect being passed by the county coun-  
cil, but the township municipality shall in each case keep the  
county municipality fully indemnified against any rate or lia-  
bility in respect of said debentures. ships.

**29.** Whenever any municipality shall grant aid by way of Trustees for  
bonus or gift to the railway company, the debentures therefor municipal  
shall within six months after passing of the by-law authorizing debentures.  
the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario : Provided, that if the said council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees ; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the company ; and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

**30.** The said trustees shall receive the said debentures or Trust on bonds in trust; firstly, under the direction of the company, to which deben-  
convert the same into money ; secondly, to deposit the amount tures are to be  
realized from the sale into some of the chartered banks having held.  
an office in this Province, in the name of "The Belleville and  
Ottawa River Railway Municipal Trust Account," and to pay  
the

the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in Schedule B hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the sum so certified for, is in pursuance of the terms and conditions of the by-law; and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

**Trustees' fees—Act of two to govern.**

**31.** The trustees shall be entitled to their reasonable fees and charges from said trust fund and the act of any two of such trustees to be as valid and binding as if the three had agreed.

**Company may receive gifts of lands.**

**32.** Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company: Provided always, that no right shall be given by any municipality to said company to use or occupy any street or portion of a street, for the purpose of constructing and maintaining their railway thereon, except with the consent in writing of the owners of the property on or adjoining said street or duly compensating said owners for the damages caused to their property by the said railway, which compensation may be determined in the manner set forth in the Railway Act for the acquisition of land for the right of way.

**Council may extend time.**

**33.** It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses.

**Councils may contribute towards preliminary expenses.**

**34.** It shall be lawful for the council of any township or county municipality interested in the said extension branches or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all or part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges, and expenses; provided always that no one such bonus shall exceed five thousand dollars.

**35.** Whenever any municipality shall aid, loan, guarantee, or give money or bonds by way of bonus to aid the making, equipment and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same.

**36.** The directors of the said company after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding twenty thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be first and preferential claims and charges upon the said undertaking and the property of the company real and personal then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking, and the property of the company as aforesaid: And provided also further that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing annual general meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

**37.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary and treasurer, be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the

Municipalities  
may agree as  
to application  
of bonus.

Issue of bonds  
by the com-  
pany.

Rights of  
bondholders  
at annual  
meetings.

Company may  
make promis-  
sory notes, &c.,

but not to be  
circulated  
as money.

the directors, as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes and bills of a bank.

Acquiring  
lands for gra-  
vel pits, &c.

**38.** Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the railway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money in Court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which the said materials shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Laying tracks  
to gravel pits,  
&c.

**39.** When the said gravel, stone, or other materials shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act and of the special Acts relating to said company's Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Powers as to  
lands for sta-  
tions, etc.

**40.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel-pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing

chasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same or part thereof from time to time as they may deem expedient.

**41.** The said railway shall be commenced within three years and completed within ten years after the passing of this Act, and in default thereof, the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete. Commencement and completion of Railway.

**42.** Nothing in this Act shall prevent any municipality from subscribing for stock of the company pursuant to the Railway Act or Municipal Act. Municipalities may subscribe for stock.

**43.** For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company. Telegraph lines.

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#### SCHEDULE A.

(See section 6.)

Know all men by these presents, that I [or we (*insert the name or names of the vendor or vendors*)] in consideration of dollars paid to me (or us) by the Belleville and Ottawa River Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I [or we, (*insert the name of any other party or parties*)] in consideration of dollars paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or certain parcels, *as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said Company for the purposes of their railway, to hold with the appurtenances unto the said The Belleville and Ottawa River Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*); and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered }  
in the presence of }

L.S.

SCHEDULE

## SCHEDULE R.

(See section 30.)

## CHIEF ENGINEER'S CERTIFICATE.

THE BELLEVILLE AND OTTAWA RIVER RAILWAY COMPANY'S  
OFFICE, ENGINEER'S DEPARTMENT, A.D. 18 .

No.

*Certificate to be attached to cheques drawn on the Belleville and  
Ottawa River Railway Municipal Trust Account.*

I, Chief Engineer for the Belleville and Ottawa River Railway Company, do hereby certify, that the sum of \$ is required to be expended in the construction of the portion of the line extending from mile No. to mile No. , and that payment should be made to the Company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the by-law of the municipality of the of

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## CAP. LXIX.

An Act to provide for the Registration of a certain Indenture executed by the Canada Central Railway Company and to make other provisions respecting the same.

[Assented to 10th February, 1876.]

**Preamble.**

WHEREAS by Indenture dated the twelfth day of August, in the year of our Lord one thousand eight hundred and seventy-one, and registered in the Registry Office for the County of Carleton, on the fifteenth day of May in the year of our Lord one thousand eight hundred and seventy-three, and made between the Canada Central Railway Company of the first part, and Henry Lancelot Redhead, of Brockville, in the Province of Ontario, Esquire, of the second part, the Canada Central Railway Company did grant, bargain, sell, convey and transfer unto the said Henry Lancelot Redhead that certain continuous Railway extending from its then terminus in the City of Ottawa, in the Province of Ontario, throughout its entire length, as finally constructed under the terms of the several statutes in that behalf made and in force, including all the railway rights of way, depot grounds and other lands, depots, station-house, engine-house, car-houses, freight-houses, wood-houses and other buildings, all machine-shops and other shops, telegraph poles, wires, apparatus, plant and appurtenances held or acquired or that might be thereafter acquired by the Company

Company in any manner or way whatever, or from any person or persons whomsoever or from the Government of Canada, or of either of the Provinces of Quebec or Ontario, under any grant then by law provided for, or that might thereafter be provided for, and in aid of the construction of the said railroad or of any part thereof, or under any statute passed by the Parliament of the late Province of Canada, or to be passed by the Parliament of Canada, or of either of the said Provinces in aid thereof, and including also all locomotives, tenders, cars and all other rolling stock or equipments, machinery, tools, implements and material, acquired or that might thereafter be acquired, for constructing, operating, repairing and replacing the said railway or any part thereof or any part of its equipment or appurtenances together with all and singular, the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, or that might thereafter be acquired by the Company, and the reversions, remainders, tolls, revenues, incomes, rents, issues and profits thereof over and beyond the working expense and maintenance thereof, and also all the estate, right, title, interest, property, possession, claim and demand whatsoever as well in law as in equity of the Company in and to the same and any and every part thereof with their appurtenances: To have and to hold the same unto the said Henry Lancelot Redhead, his heirs and assigns, to the uses and trusts in the said indenture declared: And whereas, only one original of said Indenture was executed which has been deposited in the Registry Office for the County of Carleton, and it is desirable that the said Indenture should be registered in other Counties, but no provision exists by which this can be done: And whereas, neither said Indenture nor any copy thereof has been registered under the Acts respecting mortgages and sales of personal property, and it is desirable to have said Indenture declared valid, notwithstanding such non-registry:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The said Indenture may be registered in any Registry Office, in Ontario, in which it may be considered desirable to register the same on a copy of the same, certified to be a true copy thereof, by the Registrar of the County of Carleton, or his deputy, being deposited in any such Registry Office, and the usual fees paid, and every such registration shall be as valid and effectual to all intents and purposes as if the original Indenture had been so deposited. Registration of  
Indenture.

**2.** The Acts respecting mortgages and sales of personal property shall not apply to the said Indenture, or to the property mentioned and described in the said Indenture, and the said Indenture is hereby declared to be and shall be valid and effectual according to its purport and intent, although the same has not been registered pursuant to said Acts. Acts respect-  
ing mortgages  
and sales of  
personal prop-  
erty not to  
affect the In-  
denture.

## CAP. LXX.

An Act to amend the Act incorporating The Dresden and Oil Springs Railway Company, and to change the name to the Sarnia, Chatham and Erie Railway Company.

[Assented to 10th February, 1876.]

**Preamble.**

**W**HEREAS the Dresden and Oil Springs Railway Company, incorporated under the Dresden and Oil Springs Railway Act of 1873, have petitioned to extend their line of railway from a point at or near the Village of Oil Springs to a point in or near the Town of Sarnia, in the County of Lambton, and from a point at or near the Village of Dresden to some point on Lake Erie at or near the Rondeau Harbour, in the County of Kent, and for certain amendments to their Act of incorporation :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**Power to extend line of railway.**

**1.** The said company shall have full power to extend its line of railway from some point in or near the Village of Oil Springs to some point in or near the Town of Sarnia, in the County of Lambton, and from some point in or near the Village of Dresden to some point on Lake Erie at or near Rondeau Harbour, in the County of Kent.

**Power to increase capital of the Company and issue bonds.**

**2.** The capital stock of the said company may be increased according to the provisions of the Railway Act, and the said company, under the provisions of the Railway Act, may also issue bonds.

**Municipalities may aid by bonus, &c.**

**3.** In addition to the powers conferred by the clause respecting "Municipalities" in the Railway Act, it shall be lawful for the corporation of any municipality or municipalities through any part of which or near which the railway or works of the said company shall pass or be situated, or which may be benefited thereby, to aid and assist the said company in the construction of the proposed line or any portion thereof by loaning or guaranteeing or giving money by way of bonus or other means to the company, and by purchasing and granting to the said company the land for the right of way, station grounds, gravel-pits and workshops, and otherwise in such manner and to such extent as such municipal corporation or corporations or any of them may think expedient, and to issue their municipal bonds to or in aid of the said company, or for all or any of the hereinbefore mentioned purposes : Provided always, that no such loan, bonus, aid or guarantee be given except after the passing of by-laws for the purpose and the adoption

tion of such by-laws, as provided in the Railway Act : Provided always, that any such by-law to be valid shall be made in conformity with the laws of this Province respecting municipal institutions.

**4.** For the purpose of constructing, working and protecting Telegraph lines. the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies are hereby conferred upon the said company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the said company.

**5.** The shareholders of the company may by resolution come to at the annual or any meeting of shareholders specially called for the purpose, give the directors appointed by the shareholders power to sell stock of the company at reduced rates ; to allot and hand over paid up stock and bonds of the company in payment of right of way, plant, rolling stock or material of any kind, and also for the services of contractors, engineers and other persons, whether directors or not, who may be or may have been engaged in promoting the construction, equipment and undertaking of the said railway : Provided, that no allowance shall be made to directors without the express sanction of the shareholders, and that directors not appointed by the shareholders shall not interfere in the issue or sale of stock or bonds of the company.

**6.** The said railway shall be commenced within two years from the passing of this Act, instead of at the period mentioned in the said Act incorporating the said "The Dresden and Oil Springs Railway Company," and completed within five years thereafter, or in default the charter of the said company shall be forfeited, and the powers hereby conferred shall cease and determine so far as relates to so much of the said railway as may not then be completed ; and with regard to so much of the said railway as shall then be completed, the said company shall enjoy the full powers conferred on them by this Act and all other Acts of Parliament.

**7.** The corporate name of the said company shall be changed to that of "The Sarnia, Chatham and Erie Railway Company :" Change of name. Provided always, that nothing in this section or in this Act contained shall in any way impair or interfere with the rights of the present creditors of the said "The Dresden and Oil Springs Railway Company," but the same shall continue to exist as though this Act had not been passed, and may be recovered against "The Sarnia, Chatham and Erie Railway Company."

**8.** All the powers conferred upon and granted to the said Certain powers of the "Dresden

D. and O. S.  
R. Co. con-  
ferred upon  
the S. C. and  
E. R. Co.  
Exceptions.

"Dresden and Oil Springs Railway Company" are hereby conferred upon and extended to the said "The Sarnia, Chatham and Erie Railway Company," except so far as the same provides for a portion of a county municipality or for a portion of a minor municipality granting aid by way of bonus or otherwise to the said railway, which provisions are hereby repealed, and shall not apply or be made available to the said extensions: Provided always, that nothing in this Act contained shall be construed as affecting anything hitherto done under the said Act incorporating "The Dresden and Oil Springs Railway Company."

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## CAP. LXXI.

### An Act respecting the Grand Junction Railway Company.

[Assented to 10th February, 1876.]

#### Preamble.

WHEREAS the Grand Junction Railway Company have by their petition asked that the time for the completion of their railway may be extended, and that all the by-laws passed by the several municipalities on their line in aid of said company shall stand as if the time for the completion of their railway had been the date to which the time for completion is extended: And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Extension of  
time for com-  
pletion of Rail-  
way.

**1.** The time for the completion of the Grand Junction Railway is hereby extended to the first day of May, which will be in the year of our Lord one thousand eight hundred and eighty-one.

Bonuses  
heretofore  
granted.

**2.** The several by-laws passed by the several municipalities on the line of said proposed railway, granting aid by way of bonus to the said company, and which have not now lapsed, shall stand and have the same effect as if the time in this Act fixed for the completion of said railway had been in the Acts now in force respecting said company named and fixed as the time for the completion of said company's railway, and that none of said by-laws shall lapse by reason of the said extension of time, or the said railway not being completed within the time heretofore fixed for the completion of the same.

Reducing the  
number of  
Directors.

**3.** The shareholders of the company may, at any general meeting called for the purpose, by by-law reduce the number of the directors of the said company to any number not less than

than five, and from and after the passing of said by-law the number of directors named therein shall be the number of directors of the said company to be elected by the shareholders of the said company at the next and all subsequent elections of directors.

**4.** From the passing of this Act, five directors shall form Quorum of Directors, for the transaction of business.

**5.** Whereas the Township of Seymour did by by-law grant Seymour bonus.

aid by way of bonus to the said company to the extent of thirty-five thousand dollars, which by-law provides that the reeve of the said township shall be a director of the said company, and that a portion of said bonus shall be paid when the line of railway is graded through the said township, and the balance, on the iron being laid through the said township; And whereas the Village of Campbellford, formerly a part of the said Township of Seymour, has been erected into a separate municipality since the passage of the said by-law, and is liable to pay a portion of the said bonus; And whereas it is expedient that the said village shall be represented on the said company's board: therefore it is hereby enacted that instead of the reeve of Seymour, as provided in said by-law, being an *ex-officio* director of the said company, the said township and the said village shall have the power by concurrent resolutions of their respective councils, from time to time, to nominate and appoint an *ex-officio* director of the said board in lieu of the said reeve of Seymour; and further, that, notwithstanding anything in the said by-law contained, the said bonus so granted as aforesaid shall be payable in debentures, as mentioned in said by-law as follows, that is to say:—Twenty thousand dollars upon the said railway being completed and in running order to the Village of Campbellford, and the balance, on the iron being laid through the said Township of Seymour, provided that the said line of railway shall be completed and in running order to Campbellford on or before eighteen months from the passing hereof.

Representation  
of the  
Townships of  
Seymour and  
Village of  
Campbellford.  
on the board.

Bonus, how  
payable.

**6.** Whereas the Corporation of the County of Peterborough, Change of line  
by by-law, has granted aid by way of bonus to the said company to the extent of seventy-five thousand dollars, and one of not to affect  
the Peterboro'  
bonus.

the conditions of said by-law was and is, that the line of said railway shall pass by a route indicated in said by-law; And whereas it may be found desirable to change the line of said railway; Therefore it is hereby enacted that the directors of the said company may, if thereunto requested by the said Corporation of the County of Peterborough, change the line or route of said railway from that indicated in the said by-law, and that the said by-law shall remain binding and valid, and the said bonus shall be payable in the terms of the said by-law, notwithstanding the said line of railway may not pass through or on the route mentioned in said by-law.

## CAP. LXXII.

An Act further to amend the Acts relating to the Hamilton and North Western Railway Company.

[Assented to 10th February, 1876.]

## Preamble.

WHEREAS, under the provisions contained in the Act of the Parliament of this Province passed in the thirty-eighth year of Her Majesty's reign, chaptered forty-eight, the Hamilton and North Western Railway Company and the Hamilton and Lake Erie Railway Company have united together as one Company, under the name of the Hamilton and North Western Railway Company, and that Company have petitioned that such union or amalgamation may be confirmed : that by-law number eighty-seven of the City of Hamilton may be legalized, and the provisions thereof confirmed ; that the provisions relating to the borrowing powers of the Company may be further amended, and that certain other amendments may be made to the Acts relating to the Company, and it is expedient to grant the same :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Confirmation  
of amalgama-  
tion of the H.  
and N. W.R.  
Co. with the  
H. and L. E.  
R. Co.

1. The amalgamation of the Hamilton and North Western Railway Company and the Hamilton and Lake Erie Railway Company, under the agreement between those two Companies dated the eleventh day of August, in the year of our Lord one thousand eight hundred and seventy-five, and filed in the office of the Provincial Secretary and approved by the Lieutenant-Governor in Council, is hereby declared to be perfect and complete according to the terms and provisions expressed and contained in the said agreement, and it is hereby declared that the several provisions of the Acts relating to the said two Companies respectively, and in force at the date of the said agreement, and by such agreement continued in force, shall, subject to the amendments in this Act contained, extend and apply to the Company formed by such union, and to the whole of the lines of railway authorized to be constructed under the Acts relating to the said two Companies respectively ; and the Hamilton and North Western Railway are hereby declared to have full power and authority to lay out, construct and finish the whole of such lines of railway so authorized to be constructed, so far as the same have not already been constructed ; and the time for the completion of the said lines of railway is hereby extended to three years from the passing of this Act.

Hamilton by-  
law aiding  
Company, and

2. The by-law number eighty-seven, passed by the City of Hamilton, to aid the said Company by subscribing for shares in

in the capital stock of the said Company, and for issuing debentures therefor and the stipulations and conditions in such debentures contained, and all debentures issued or to be issued under the by-law contained, and all debentures issued or to be issued thereunder, are hereby declared to be legal and valid.

**3.** In consideration of the said by-law number eighty-seven, passed by the City of Hamilton, granting aid to the said Railway Company, the Mayor of the City of Hamilton shall be *ex-officio* a Director of the said Company for all time to come, whether the City of Hamilton shall hold stock in the said Company or not.

**4.** The second and third sections of the Act passed in the thirty-eighth year of Her Majesty's reign, chaptered forty-eight, are hereby repealed, and it is hereby declared that the provisions of the fourth section of that Act shall apply to the bonds authorized to be issued under the next three succeeding sections of this Act.

**5.** The Directors of the said Company, after the sanction of Power to issue bonds. the shareholders shall have been first obtained at any annual general meeting or at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds of the said Company for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon the undertaking and property of the Company, real and personal, then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the Company as aforesaid; and the Company may by by-law fix and define the amount or denomination of such bonds, the time or times, and the place or places for payment of the principal moneys thereof and the interest thereon and other particulars in reference thereto: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of seventeen thousand dollars per mile, and that, except as to the bonds authorized to be issued under the seventh section of this Act, the amount of the bonds issued at any one time shall not be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the Company within the Provinces of Ontario or Quebec, and certified by the Chief Engineer of the Company, and that the rate of interest thereon shall not exceed six per centum per annum: And provided also further, that in the event at any time of the interest of the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said Company, all holders of bonds shall have and possess the same rights and privileges and qualifications for

Rights of bond-holders when interest in arrear.

for Directors, and for voting, as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares ; and it shall be the duty of the secretary of the Company to register the same on being required to do so by any holder thereof.

6th and 7th  
clauses of the  
deed of amalgam-  
ation  
repealed.

Proviso.

**6.** And whereas the provisions of the sixth and seventh clauses of the deed of amalgamation as to the sale and disposal of the bonds of the Company and the application of the proceeds thereof, and of the other assets of this Company cannot be conveniently worked out, be it therefore enacted that the sixth and seventh clauses of the said deed be and they hereby are repealed and declared to be of no force or effect : Provided always, that nothing herein contained shall affect the responsibility of this Company for all the liabilities of the two respective Companies as provided for in the ninth section of the said Act passed in the thirty-eighth year of Her Majesty's reign, chaptered forty-eight.

**7.** And whereas it is necessary to limit and define the amount of bonds to be issued in respect of that portion of the Railway extending from Jarvis to Georgetown, and the use and application which may be made thereof:

Issue of bonds  
in respect to  
the portion of  
Railway be-  
tween Jarvis  
and George-  
town.

Be it therefore enacted, that the Company be and they hereby are authorized to issue, in respect of the portion of their Railway from Jarvis to Georgetown, bonds to the amount of one million one hundred and five thousand dollars, which shall be and be deemed and taken to be a portion of the bonds at the rate of seventeen thousand dollars per mile, authorized to be issued under the fifth section; and that such bonds to the amount of one million one hundred and five thousand dollars, may be issued forthwith, without the sanction of the shareholders or the other requisites in the fifth section mentioned ; and of such amount bonds to the amount of eight hundred and five thousand dollars shall, so far as they may be required therefor, be used and applied in the first place for the purpose of redemption of, or substitution for the bonds of the Hamilton and Lake Erie Railway Company to the amount of one hundred and seventy thousand pounds sterling heretofore issued, and then, in or towards the payment of the indebtedness of the Hamilton and Lake Erie Railway Company to certain other persons in said deed of amalgamation mentioned ; and that the residue of such bonds being to the amount of three hundred thousand dollars shall be used and applied in or towards the construction of the line of the said Railway from the City of Hamilton to Georgetown aforesaid, and for no other purpose, ratably as the work thereon progresses.

Municipalities  
may grant  
lands for right  
of way, sta-  
tions, &c.

**8.** Any municipality through which the said Railway may pass is empowered to grant by way of gift to the said Company any lands belonging to such municipality which may be required

quired for right of way, station grounds or other purposes connected with the running or traffic of the said Railway, and the said Railway Company shall have power to accept gifts of land from any Government or any person or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said Company.

**9.** It shall and may be lawful for any municipality through which the said Railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the said Company to make their roads and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company; and if such be either in the possession or under the control of any joint stock company, then with the assent of such Company, and it shall and may be lawful for the said Company to enter into and perform any such agreement as they may from time to time deem expedient with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to the said Railway.

Laying Rail-way tracks on highways.]

**10.** For the purpose of constructing, working and protecting Telegraph lines. the telegraph lines to be constructed by the said Company on their line of Railway, the powers conferred on Telegraph Companies by the Act respecting Electric Telegraph Companies are hereby conferred upon the said Company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the said Company.

**11.** The ninth section of the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered forty-four, intituled "An Act further to amend the Act incorporating the Hamilton and North-Western Railway Company," shall be and the same is hereby amended by adding the following words: "and in case of any such deviation being sanctioned or determined upon by the said arbitrators, such compensation shall be awarded to any such municipality or minor municipality as the said arbitrators shall deem reasonable and proper, and such compensation shall be paid over by the said company to such municipality or minor municipality before the said company shall proceed, or be permitted to proceed, with the construction of any portion of such deviation."

**12.** Notwithstanding anything contained in this or any other Act relating to the said company, all agreements heretofore made or entered into between the Hamilton and North-Western Railway Company and any municipality which has granted a bonus, or which forms a portion of a county municipality, or section of a municipality which has granted a bonus to aid the said railway or the construction thereof, shall be and are hereby Agreements between the Company and municipalities granting bonuses confirmed.

by declared to be legal and binding, and the terms, conditions, stipulations and provisions thereof shall not be in any way altered or affected by this or any other such Act, except so far as the same may be affected by the ninth section of the said Act passed in the thirty-seventh year of Her Majesty's reign, chaptered forty-four, as amended by the eleventh section of this Act.

Trustees to  
make certain  
payments to  
County of  
Simcoe.

**13.** The trustees holding the debentures of the County of Simcoe be and they hereby are authorized and required, out of the interest on such debentures, come, or which may come into their hands, to pay to the Corporation of the County of Simcoe a sum of money at the rate of eighteen thousand dollars per annum, from the first day of January, one thousand eight hundred and seventy-six, up to the time at which the works of construction of the said railway shall have been continued up to and within the confines of the County of Simcoe, and thenceforward carried on within the said county continuously; and further, that if the continuous prosecution of the work within the County of Simcoe be not *bona fide* carried on, that a sum of money to be computed at a like rate of eighteen thousand dollars per annum for the period during which the said work is not continuously prosecuted, shall be paid by the trustees to the Corporation of the County of Simcoe, and any sum or sums of money which may be paid by the said trustees to the Corporation of the County of Simcoe under the provisions of this section, shall be paid over by the said county to the several municipalities forming the group in the County of Simcoe granting such bonus in the proportion that they respectively contribute to such bonus: in case of difference between the company and the Municipal Council of the County of Simcoe as to the question of *bona fide* commencement or continuance of the works of the said railway within the County of Simcoe, the representatives in the county council of Simcoe of the several municipalities forming the group and the railway company respectively shall each appoint an arbitrator, and such two arbitrators and some third person whom they may appoint, or a majority of them, shall finally determine the matter; in the event of default in the appointment of an arbitrator by either of such parties after two weeks' written notice by the other party to make such appointment, then such other party may apply to the Judge of the County Court of the County of Simcoe, who shall appoint an arbitrator on the part of the party in default, and the person so appointed shall have the same rights and powers as if he had been appointed by the party so in default: and it is hereby declared that any sums of money which may be paid by the trustees under the provisions of this section in respect of any period of time after the first day of July, one thousand eight hundred and seventy-seven, shall be deemed and taken to be on account and in discharge *pro tanto* of any moneys which the company may be or become liable to pay under their agreement with the Corporation of the County of Simcoe in respect of such period.

## CAP. LXXIII.

An Act to amend the Act incorporating the Huron and Quebec Railway Company, and to legalize certain By-laws of the County and Town of Peterborough granting aid by way of Bonus to the said company.

[Assented to 10<sup>th</sup> February, 1876.]

**W**HHEREAS the Huron and Quebec Railway Company has, Preamble. by petition, prayed for certain amendments to the Act incorporating the said company, and also for the legalization of certain By-laws of the County and Town of Peterborough, granting aid by way of bonus to the said company, and it is expedient to grant the prayer of such petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The time for the commencement of the said railway is hereby extended, so that the same shall nevertheless be commenced on or before the first day of January, one thousand eight hundred and seventy-eight, and, as to that portion of the said railway between the Cities of Ottawa and Toronto, completed within five years thereafter.

**2.** The thirty-sixth section of the Act of the Parliament 37 V., c. 47, of the Province of Ontario, passed in the thirty-seventh year of s. 36, repealed. Her Majesty's reign, chaptered forty-seven, being the Act incorporating the said company, is hereby repealed, and the following substituted therefor:—

“36. The said trustees shall receive the said debentures or bonds in trust—Firstly under the directions of the company, but subject to the conditions of the By-law in relation thereto as to time and manner, to convert the same into money—Secondly to deposit the amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of ‘The Huron and Quebec Railway Municipal Trust Account’ and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the By-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, which certificate is to be attached to the cheque drawn by the said trustees for such payments; and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.”

**3.** A certain By-law of the Corporation of the Town of Peterborough, Town of Peterborough By-Law confirmed.

Peterborough, passed on the ninth day of November, one thousand eight hundred and seventy-five, granting aid by way of bonus to the said company to the extent of one hundred and fifty thousand dollars, be and the same is hereby made legal and valid as to all and singular the terms and conditions thereof.

County of  
Peterborough  
By-law con-  
firmed.

**4.** A certain By-law of the Corporation of the County of Peterborough passed on the eleventh day of November, one thousand eight hundred and seventy-five, granting aid by way of bonus to the said company, to the extent of one hundred and fifty thousand dollars be and the same is hereby made legal and valid as to all and singular the terms and conditions thereof.

## CAP. LXXIV.

### An Act to Incorporate the Kingston Street Railway Company.

[Assented to 10th February, 1876.]

**Preamble.**

WHEREAS certain persons have, by their petition, prayed that they may be incorporated under the title of "The Kingston Street Railway Company," for the purpose of constructing and operating street railways in the City of Kingston and the municipalities adjoining : And whereas it is expedient to grant the prayer of the petitioners :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**Incorporation.**

**1.** George Dennis Morse, James Leckie Morrison, Charley Morse, John Taylor, William Morse and William Monahan, and such other persons as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Kingston Street Railway Company."

**Name.**

**2.** The capital stock of the company shall be fifty thousand dollars, in five hundred shares of one hundred dollars each.

**Stock.**

**3.** The company may begin to exercise the powers hereby granted as soon as ten thousand dollars of the capital stock shall be subscribed and ten per centum thereon paid up ; but the company shall commence the construction of said railway within one year from the passing of this Act, and shall commence to run cars upon said railway and work and operate said railway in good running order within two years from the passing

ing of this Act, otherwise this charter to be void and of none effect.

**4.** George Dennis Morse, James Leckie Morrison, Charley Provisional Morse, John Taylor, William Morse and William Monahan shall directors. be provisional directors of said company to obtain subscriptions for stock and organize said company, and shall hold office until the election of directors as hereafter provided for.

**5.** So soon as ten thousand dollars of the capital stock has Election of been subscribed and ten per centum thereon paid up, the share- directors. holders shall proceed to the election of a board of directors for the said company, and the provisional directors, or a majority of them, shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof by advertisement in some newspaper published in the City of Kingston.

**6.** The board of directors shall consist of six directors, to be Directors. determined at the meeting to be held as provided for in the preceding section, each of whom shall be a shareholder of not less than five hundred dollars; such election and every question voted on at such meeting shall be by ballot, and shall be decided by a majority of votes of the stockholders (who shall have paid all calls made upon the stock held by them) present in person, or represented by written proxy, each share to have one vote; the directors so chosen shall immediately elect one of their own number to be president, and another to be vice-president, which president, vice-president and directors shall continue in office for one year, and until others shall be chosen to fill their places, as may be provided by the by-laws of the said company: And President. if any vacancy shall at any time happen by death, resignation or otherwise during said year in the office of president, vice-president or directors, the remaining directors shall supply such vacancy for the remainder of the year; and the election of directors shall take place annually either on the anniversary of the day of the first election of directors, or such other days as may be fixed by by-law as hereinafter mentioned.

**7.** The company are hereby authorized and empowered Powers of company. to construct, maintain, complete and operate, a single track iron railway, with the necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along such streets and highways within the jurisdiction of the Corporation of the City of Kingston and of any of the adjoining municipalities as the company may be authorized to pass along, under and subject to any agreement hereafter to be made between the said councils of the said city and of the said municipalities respectively and the said company, and under and subject to any by-laws of the said corporations of the said city and municipalities respectively or any of them, made in pursuance thereof, and to take, transport and carry passengers and freight

freight upon the same by the force or power of animals or such other motive power as may be authorized by the council of said city and municipalities respectively by by-law, and to use and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith.

Powers of  
directors.

**8.** The directors shall have full power to make all by-laws and regulations for the management of the company, the acquirement, management and disposition of its stock, property and effects, and of its affairs and business ; the management and collection of calls on its stock, and forfeiture thereof for non-payment ; the entering into arrangements and contracts with said city or municipalities ; the declaration and payment of dividends out of the profits of the said company ; the form and issuing of stock certificates, and the transfer of shares ; the calling of general and other meetings of the company ; the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the company ; the fares to be received from persons and freight transported over said railway or any part thereof, and in general to do all things that may be necessary to carry out the objects and the exercise of the powers incident to the company : Provided that the fare shall not exceed for each passenger five cents for carriage for any distance not more than three miles within the limits of the Corporation of the said City of Kingston, and one cent additional per mile over three miles ; the return ride to be charged for separately, and children under ten years of age to be carried the said three miles for three cents, and children in arms free.

Fares.

Stock to be  
personality.

**9.** The stock of said company shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct.

Property of  
the company.

**10.** The company may purchase, lease, hold or acquire and transfer any real or personal estate necessary for carrying on the operations of the company.

Sleights.

**11.** The company may substitute sleighs for railway carriages during the winter months upon the route of their railways.

Fares w  
payable.

**12.** The fares mentioned in section eight of this Act shall be due and payable by every passenger on entering the car or sleigh, and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car or sleigh, shall be liable to a fine of not less than one nor more than twenty dollars, recoverable upon conviction before any justice of the peace having jurisdiction, and upon default of said fine and all costs forthwith to imprisonment in the common gaol for a period of not more than thirty days.

**13.** The rails of said company shall be laid so as to cause <sup>Rails.</sup> the least inconvenience possible to general traffic consistent with the proper working of said company ; to be flush with the streets, which shall be kept in proper repair, between and for eighteen inches on each side of said rails, by and at the expense of said company.

**14.** The directors may from time to time increase the capital stock of the said company for such amount or amounts as occasion may require, and also raise or borrow for the purposes of the company any sum or sums not exceeding in the whole at any time the actual amount of the capital stock *bona fide* subscribed and paid up, by the issue of bonds or debentures in such sums of not less than one hundred dollars, on such terms and credit as they think proper, and may thereby pledge or mortgage all the property, tolls and income of the company, or any part thereof (as may be expressed upon the face of any bond or debenture), for the repayment of the moneys so raised or borrowed, and the interest thereon : Provided always, that the consent of two-thirds in value of the stockholders of the company present, or represented by proxy at a special meeting to be called and held for either or both of the purposes aforesaid, shall be first had and obtained : Provided always, that due notice of the holding of such meeting shall have been given in some newspaper published in the City of Kingston at least two weeks before such meeting is held.

Increase of capital.

Borrowing powers.

**15.** No stockholder shall be personally liable for the promises, contracts, debts, undertakings, costs or liabilities of said company beyond the amount remaining unpaid upon stock held by him, and to that extent only after the other assets, if any, of said company shall be realized upon.

Liability of stockholders.

**16.** The council of the said city and of any of the said adjoining municipalities, or any of them, and the said company are hereby respectively authorized to make and to enter into any agreements or covenants relating to the construction of the said railway for the paving, macadamizing, repairing and grading of the streets and highways ; and the construction, opening of and repairing of drains or sewers and the laying of gas and water pipes in the said streets and highways ; the location of the railway and the particular streets along which the same shall be laid, the patterns of rail, the time and speed of running the cars, the time within which the road shall be commenced, and the time for completion, and generally for the safety and convenience of passengers, the conduct of the agents and servants of the company, and the non-obstructing or impeding of the ordinary traffic : Provided that the powers contained in this Act shall remain in abeyance until the agreements hereinbefore in this clause mentioned shall have been entered into and made by and between the several parties hereinbefore mentioned.

Agreements with municipalities.

Municipal by-laws affecting the company.

**17.** The said city and the said municipalities are hereby authorized to pass any by-law or by-laws, and to amend, repeal or enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all such necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the company, and for enjoining obedience thereto, and also for the facilitating the running of the company's cars and sleighs, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass.

## CAP. LXXV.

### An Act to incorporate "The Lambton Central Railway Company."

[Assented to 10th February, 1876.]

#### Preamble.

WHEREAS the construction of a railway from some point in or near the Village of Oil Springs or Town of Petrolia, or from some point at or near the line of the Canada Southern Railway in the Township of Enniskillen, in the County of Lambton, and from thence to a point at or near Point Edward, or to a point at or near the line of the Grand Trunk Railway between Point Edward and the Village of Forest, or to some point in or near the said Village of Forest, has become desirable for the development of the resources of certain portions of said County of Lambton, and for the public convenience and accommodation of the inhabitants thereof:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

#### Incorporation.

**1.** William H. McGarvey, Charles Jenkins, James Perkins, Oliver W. Chamberlain, John D'Oyly Noble, John McDonald, Joseph McDougall, Tronson Draper, Henry Warren Lancey, James Kerr, William Stevenson, William H. Hammond, Duncan McNaughton, John Lendrum Wilson, George S. McPherson, Robert Brock, Andrew Elliot, John Woodley, Thomas Steadman, Henry Gooden, William Dundas, Wellington Brichan, Robert Dawson, Elijah Hawley Coryell and Ernest Drader, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Lambton Central Railway Company."

#### Name.

**2.** The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments thereto, and also the several

Certain clauses of Railway Act to apply.

several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway" and "general provisions" shall be incorporated with and be deemed a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof.

**3.** The expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act. Interpretation of words "this Act."

**4.** The said company shall have full power under this Act to construct a railway from a point in or near the Village of Oil Springs or Town of Petrolia, or from a point at or near the line of the Canada Southern Railway in the Township of Enniskillen, in the County of Lambton, with power to connect at such point with the said the Canada Southern Railway, and from thence to a point at or near Point Edward, or to a point at or near the line of the Grand Trunk Railway, between Point Edward and the Village of Forest, in said county, or to some point in or near to said Village of Forest, with power to connect at any of such points with the said the Grand Trunk Railway, and with full power to pass over any portion of the country between the points aforesaid, and to carry the said railway through the Crown Lands, if any, lying between the points aforesaid.

**5.** The said company may construct depots, stations, warehouses, elevators, workshops, offices and other buildings and works at or near any one or more of the several point or points on the line of railway hereby authorized. Power to erect depots.

**6.** It shall be lawful for the said railway company hereby created to enter into any arrangement with any other railway company or companies for the working of said railway, or granting running powers thereon, or to enter into any agreement for leasing the said railway or any part thereof, or the use thereof or any part thereof, at any time or times or for any period, to any such other railway company or companies; or to lease or hire from any other company or companies any portion of their railway or railways or the use thereof, or for the leasing or hiring from any such other company or companies, equipment company or other party, any locomotives, cars, rolling stock, moveable or other property that may be required for the use of said road, or touching any service to be rendered by one or more of such companies to the other or more of such companies, Agreements with other railway companies.

companies, and the compensation therefor; and generally to make any agreement or agreements with any such other railway company or companies touching the use of the one or the other or more of such companies or by the Lambton Central Railway Company, and any or more of such other companies, of the railway or moveable property of any or more of said companies or of any part or parts thereof; or such other railway company or companies as well as any other corporation may agree upon any terms which they may mutually consent to for the loan of its credit to or may subscribe to and become the owner of the stock of the railway hereby incorporated in like manner and with like rights as individuals, and any such lease or agreement shall be valid and binding, and shall be enforced by a Court of Law according to the terms and tenor thereof, and any railway company or other corporation or company accepting and executing such lease or agreement shall be and is hereby empowered to exercise all the rights and privileges conferred on the said the Lambton Central Railway Company by this Act: Provided that no such lease or agreement shall be valid unless the same shall have been sanctioned by a two-third majority at a general meeting of the shareholders of the Lambton Central Railway Company, specially convened for that purpose.

## Gauge.

**7.** The said railway may be of any gauge.

## Form of conveyances to the company.

**8.** Conveyances of lands to the said company for the purposes of and powers given by this Act made in the form set out in the Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

## Provisional directors,

**9.** From and after the passing of this Act, the several persons named in the first section of this Act shall be the provisional directors of the said company.

## their powers.

**10.** The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, of whom nine shall form a quorum, with power to fill vacancies occurring therein, to associate with themselves thereon not more than five other persons, who being so named shall become and be provisional directors of the company equally with themselves; to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as herein-after

after provided, and with all such other powers as under the Railway Act and any other law in force in Ontario are vested in such boards, and the said directors or a majority of them may in their discretion exclude any persons from subscribing who in their judgment would hinder, delay or prevent the said company from proceeding with and completing their undertaking under the provisions of this Act.

**11.** The capital stock of the company hereby incorporated <sup>Capital Stock.</sup> shall be one hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into one thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act and for making the survey, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act and no other purposes whatsoever; and until <sup>Advances for preliminary expenses.</sup> such preliminary expenses shall be paid out of the capital stock, it shall be lawful for the municipality of any city, county, township, town or village on the line of such works, or for any individual or individuals, to pay and advance, either by way of bonus or donation or by way of loan to the said company, such preliminary expenses or any part thereof as to the council of such municipality or to such individual or individuals may appear expedient; and in the case of a loan, any such sum thus advanced shall be refunded to the municipality or individual or individuals from the stock of the said company, or shall be allowed in payment of any stock which may be subscribed for by such municipality or individual or individuals.

**12.** On the subscription for shares of the capital stock, each subscriber shall within three days thereafter pay ten per centum of the amount subscribed by him into some chartered bank to be designated by the directors to the credit of the said company, and no such subscription, unless the said deposit of ten per centum thereof be made as aforesaid and within such time, shall be binding on the company.

**13.** Thereafter calls may be made by the directors for the calls. time being as they shall see fit: provided that no call shall be made at any one time of more than ten per centum of the amounts subscribed by each subscriber, nor at intervals of less than thirty days.

**14.** The directors elected by the shareholders may make or issue stock as paid up stock, and may pay or agree to pay in such or any paid up stock, or in the bonds of the said company, such sums as they deem expedient to engineers or contractors, <sup>Directors may issue stock as paid up stock to make certain payments.</sup>

or

or for right of way or material, plant or rolling stock ; and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional directors or not.

General meeting  
for election  
of directors.

**15.** As soon as shares to the amount of twenty thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in the Town of Sarnia or City of London (which shall on no account be withdrawn therefrom unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

Directors may  
accept full pay-  
ment for stock  
before final  
call.

**16.** It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

Neglect to call  
a meeting.

**17.** In case the provisional directors neglect to call such meeting to be held on some day within the space of two months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Time and place  
of meeting.

**18.** In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in the County of Lambton once in each week for the space of at least four weeks, and such meeting shall be held at such place and on such day as may be named by such notice : At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said company, and may also make or pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of  
directors.

Rules and by-  
laws.

Annual meet-  
ing.

**19.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place and on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at

at least four weeks previously in the *Ontario Gazette*, and once a week during such four weeks in a newspaper published in the County of Lambton.

**20.** Special general meetings of the shareholders of the said company may be held at such place as the directors may determine, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company. Power to call special meetings.

**21.** Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting. Scale of votes.

**22.** Any meeting of the elected directors of the said company regularly summoned, at which not less than four directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors, and the said board of directors may employ and pay one of their number as managing director. Quorum of directors.

**23.** No person shall be qualified to be elected as such director unless he be a shareholder holding at least five shares of stock in the company, and unless he has paid up all calls thereon. Qualification of directors.

**24.** It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such be either in the possession or under the control of any joint stock company, then with the assent of such company; and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway. Laying rails on roads. Agreements to maintenance of roads.

**25.** The said company may receive from any Government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of bonus, gift or loan in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid from Government.

Company may receive gifts of lands.

**26.** Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway ; and the said railway company shall have power to accept gifts of land from any Government or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Aid to company from municipalities.

**27.** It shall further be lawful for any municipality which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus, or other means, to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities, or any of them, shall think expedient : Provided always, that no such aid, loan, bonus or guarantee shall be given except after the passing of by-laws for the purpose, and the adoption of such by-laws by the qualified ratepayers of the municipality as provided in the Municipal Act for the creation of debts.

Proviso.

Manner of submitting by-law to ratepayers.

**28.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :—

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount ; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters ;

2. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act ;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid.

Provisions in by-laws.

**29.** Such by-law shall in each instance provide :

1. For raising the amount petitioned for in the municipality mentioned in the petition by the issue of debentures of the municipality, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law and in accordance with this Act ;

2. For assessing and levying upon all ratable property lying within the municipality an equal annual special rate as near as may be sufficient to include a sinking fund for the repayment of the said debentures within twenty years with

with interest thereon, payable yearly or half-yearly, or by equal annual instalments as near as may be of principal and interest, which debentures the respective municipal councils, wardens, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively; Provided that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such cases apply the moneys received therefor in payment of the said debentures and interest.

**30.** In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. If by-law carried, council to pass the same.

**31.** Within one month after the passing of such by-law, the Issue of the said council and the warden, mayor, reeve or other head thereof, and the other officers thereof shall issue the debentures for the bonus thereby granted and deliver the same to the trustees appointed or to be appointed under this Act. debentures.

**32.** All by-laws to be submitted to such vote for granting bonuses to the said company shall be valid, although the amount of the annual vote to be levied in pursuance thereof shall exceed two cents in the dollar. By-laws for levying the annual rate.

**33.** It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situated, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein. Exemption from taxation.

**34.** Any municipality which shall grant a bonus of not less than thirty thousand dollars in aid of the said company may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such directors shall be, in addition to all shareholders directors in the said company, and shall not require to be a shareholder in the said company, and shall continue in office as director of the said company until his successor be appointed by the municipality which he represents. Certain municipalities may appoint directors.

Debentures to  
be delivered to  
Trustees.

**35.** Whenever any municipality shall grant aid by way of bonus or gift to the railway company, the debentures thereof shall within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, one to be named by the head or heads of the municipality or municipalities granting such bonus ; one to be named by the said company, and one to be named by the Lieutenant-Governor in Council ; Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him, requesting him to appoint such trustee, the said company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in Council ; and the Act of any two such trustees shall be valid and binding.

Appointment  
of new trust-  
tees.

**36.** Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the said company ; and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of the said company.

Trusts upon  
which the de-  
bentures are to  
be held.

**37.** The said trustees shall receive the said debentures in trust : firstly, to deposit the same in some chartered bank of this Province, having an office in London or Sarnia : secondly, to convert the same or any of them into money whenever required to do so by the directors, but subject to the conditions of the by-law in relation thereto as to time and manner, and to deposit the amounts realized from the sale thereof in such bank in the name of "The Lambton Central Railway Trust Account," and to deliver the said debentures to the said company, or to pay the said money out to the said company from time to time on the certificate of the chief engineer of the said railway in the form set out in Schedule B hereto or to the like effect—setting out the portion of the railway to which the money to be paid out or debentures delivered is to be applied, and the total amount per mile for the length or portion of the road to which the said money or debentures is to be applied, and such certificates shall be attached to the cheques or orders to be drawn by the said trustees ; and the wrongfully granting any such certificate by the said engineer shall be punishable by penalty of not less than one hundred dollars, recoverable in any court of competent jurisdiction in the Province of Ontario ; and the wilfully and wrongfully granting any such certificate by such engineer shall be a misdemeanor, and punishable by a fine of not less than one hundred dollars, or by imprisonment or both, at the discretion of the court.

Township,  
town and vil-

**38.** It shall be lawful for the County of Lambton to take the

the debentures of any municipality within said county that have granted a bonus to said company, and in exchange therefor to hand over to the trustees under this Act the debentures of the said county, on a resolution being passed to that effect by a majority of the county council thereof.

**39** It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for the completion of the works on the completion of which the said company would be entitled to such bonuses.

**40.** The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the company, real and personal then existing, and at any time after acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking, and upon the property of the company as aforesaid: Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of ten thousand dollars per mile of the said road; and in the computing of mileage for the issue of such bonds all sidings shall be reckoned and included in addition to the main lines and branches of said road: And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

**41.** All such bonds, debentures, mortgages and other securities and coupons, and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery and any holder of any such so made payable to bearer may sue at law thereon in his own name.

**42.** The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such promissory

large debentures may be exchanged for county debentures.

Council may extend time for completion whereon bonus to be granted.

Issue of bonds by the company.

Lien of bonds.

Limit of issue.

Rights of bondholders if interest unpaid.

Bonds, &c., made payable to bearer.

Negotiable instruments.

sory note made or endorsed by the president or vice-president of the company and countersigned by the secretary and treasurer of the company and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory notes or bills of exchange, or shall the president or vice-president, or the secretary and treasurer, be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

**Power to acquire lands.**

**43.** Whenever it shall be necessary for the purpose of procuring sufficient lands for station, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole or any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price and to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such land and also the right of way thereto if the same be separated from their railway, and to sell and convey the same or part thereof from time to time as they may deem expedient.

**Acquiring gravel, &c.**

**44.** When stone, gravel or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in the case of acquiring the right of way; and the notice of the arbitrators, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the right of way; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section and to the obtaining materials as aforesaid, and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

**45.** When said gravel, stone or other materials shall be taken under the preceding sections of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said materials shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating to said company's Act, except such as relates to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding sections may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

**46.** The railway shall be commenced within three years and completed within six years after the passing of this Act, or else the charter shall be forfeited so far as relates to so much of the railway as may not then be completed.

**47.** The company shall have full power for the purposes of erecting depots, stations, warehouses, workshops, offices and other buildings and works, and to sell, dispose of and convey all such lands as they may now or hereafter deem superfluous, and convey such lands by deed under their common seal, and a deed so executed shall be effectual to vest the lands comprised therein in the grantee or purchaser of the said lands, freed and discharged of the said charge or lien as though he had acquired the same from the party or parties from whom the same had of the said railway company been obtained.

**48.** Aliens and companies incorporated abroad as well as British subjects and corporations may be shareholders in the said company and such aliens whether resident in this Province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

**49.** For the purpose of constructing, working and protecting the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies are hereby conferred upon the said company, and the other provisions of the said Act for the working and protecting of telegraph lines shall apply to any such telegraph lines constructed by the said company.

## SCHEDULE A.

(Section 8.)

Know all men by these presents that I (or we, *insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by the Lambton Central Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we, *insert the name of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels) (*as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of their said railway; to hold with the appurtenances unto the said the Lambton Central Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in said lands.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered }  
in presence of }

(L. S.)

## SCHEDULE B.

(Section 37.)

## CHIEF ENGINEER'S CERTIFICATE.

The Lambton Central Railway Company's office,  
A. D. 18

No. certificate to be attached to cheques drawn on the Lambton Central Railway Company Municipal Trust Account, and given under section of cap. 39 Vic.

I, chief engineer for the Lambton Central Railway Company, do hereby certify that there has been expended in the construction of mile No. (the said mileage being numbered consecutively from the point of commencement at ) the sum of

dollars, to date, and that the total *pro rata* amount due for the same from the said municipal trust account amounts to the sum of dollars, is now due and payable as provided under said Act.

## CAP. LXXVI.

## An Act respecting the Lake Simcoe Junction Railway Company.

[Assented to 10th February, 1876.]

**W**HHEREAS the Lake Simcoe Junction Railway Company Preamble. have petitioned for certain amendments to their charter, and it is expedient to grant the same:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The said company shall have full power to extend the Power given to extend line of railway. construction of their railway from any point upon the line they have, by their Act of incorporation, powers to build, to some point on the line of the Port Whitby and Port Perry Railway, or to any port on the shore of Lake Ontario within the said county, and the said extension of the said railway shall be part of the works comprised in the Act of incorporation of said company.

**2.** All the clauses and provisions contained in and the several Railway and other Acts applied to extension. powers and authorities conferred upon said company by the said Act, save and except such clauses of the said Act as relate to and authorize the obtaining aid from a portion or portions of a county municipality, or a portion of a minor municipality, and the several clauses of the General Railway Act mentioned or referred to in the said Act shall apply to the extended line hereby authorized.

**3.** The directors of said company may with the sanction of Power to issue paid up stock. shareholders, but not otherwise, make and issue stock as paid up stock in the said company, whether now subscribed for or not, and may allot and hand over such stock as paid up stock or the debenture stock or terminable bonds of the company to any creditor of the said company who may accept the same in payment and satisfaction of his claim against the company.

**4.** And whereas the said company may for the sake of convenience or of economy find it necessary to grant to their president a general power of attorney, authorizing him to do for Company may give power of attorney to president. them and in their name all such acts, and to enter into all such agreements as to him may seem meet and proper in and about the construction and completion of the said railway, such power of attorney shall be good, valid and binding on the company, subject always to revocation by the said board of directors of the said company.

**5.** Any company which may lease or enter into any agreement with the said Lake Simcoe Junction Railway Company Company leasing to have power to guarantee under.

antee bonds,  
&c.

under the twenty-third section of the Act incorporating the said company, shall have full power to guarantee the payment of both principal and interest or either on any or all of the stock, debenture stock or terminable bonds that may be issued by the said company.

Loan capital  
of company.

**6.** The loan capital of the company, which they shall have power to create and issue, shall be fixed at the sum of fifteen thousand dollars per mile, and shall consist of debenture stock and terminable bonds, or either or both, which shall have co-ordinate lien, and without registration or formal conveyance, shall be a first mortgage and charge upon the railway, upon all and every the undertaking, and upon the real and personal property of the company, including its rolling stock and equipments, existing at the date of the issue of such debenture, stock or bonds, and at any time thereafter acquired together with the franchises of the said company.

Power to issue  
debenture and  
terminable  
bonds.

**7.** The directors of the said company after the sanction of the shareholders shall have been first obtained at any special meeting, to be called from time to time for such purpose, shall have power to issue the debenture stock and terminable bonds in such amounts and manner, on such terms, subject to such conditions and with such rights and privileges as the directors may from time to time think proper and convenient, and such bonds and stock shall be without any preference of one above another by reason of priority of date of issue or otherwise howsoever ; the principal sum of all bonds to be issued as well as the interest payable thereon, shall be payable in the same manner, on the same terms and at the same time ; the debenture stock shall be issued to secure one uniform rate of interest, although the rate of interest may be different from that to be paid on bonds.

Form of bonds.

**8.** The bonds that may be created as part of the loan capital shall be under the common seal of the company and shall be signed by the president and vice-president of the company : they may be issued as payable to bearer either in sterling or in the currency of Canada at such place or places in Canada or Great Britain as may be deemed advisable ; they shall be transferable by delivery, and the holder of any bond made payable to bearer may sue thereon in his own name.

Registration  
of debenture  
stock.

**9.** The debenture stock which from time to time shall be created as part of the loan capital, shall be entered by the company in a register to be kept for that purpose wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to debenture stock, with the respective amounts of the stock to which they are respectively entitled, and the register shall be accessible for inspection and perusal at all reasonable times to every bondholder or debenture stockholder of the company without the payment of any fee or charge.

**10.** The company shall deliver to every holder a certificate Debenture stock certificates.  
stating the amount of debenture stock held by him ; and all regulations or provisions for the time being applicable to certificates of ordinary shares in the capital of the company, and transfer of such shares shall apply *mutatis mutandis* to certificates and transfers of debenture stock.

**11.** All transfers of debenture stock of the company shall be registered at the office of the company in Toronto, in Ontario, and not in any office of the company which may be established in Great Britain, but all such transfers may be left at the office of the company in Great Britain, or at any other place in Great Britain which the company may indicate for the purpose of being transmitted to the office of the company in Toronto for registration. Registry of transfers of debenture stock.

**12.** It shall be the duty of the directors to exhibit monthly statement of progress of sale of bonds or stock.  
at the head office of the company at Toronto, and at the said office or offices or place in Great Britain, or such other places in Great Britain where the bonds or interest thereon or the interest on the debenture stock are payable, a statement of the progress of the sale, exchange or substitution of the bonds or debenture stock together with the rate or price at which the same shall have been sold or exchanged.

**13.** In the event at any time of the interest upon the loan capital remaining unpaid and owing, whether the same be held in bonds or debenture stock, then at the next general annual or special meeting of the company all holders of bonds or debenture stock shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to ordinary shareholders : Provided that the bonds, debentures, stock and any transfers thereof shall have been first registered in the same manner as is provided for the registration of ordinary shares. Right of holders of bonds or stock with interest in arrear.

**14.** If within thirty days after the interest on the loan capital, whether on debenture stock or upon bonds is payable the same is not paid, any one or more of the holders of the debenture stock or bonds holding individually or collectively a sum equal to one-tenth of the aggregate amount of the loan capital may (without prejudice to the right to sue in any court of competent jurisdiction for the interest in arrear) obtain the appointment of a receiver, and, if the court think fit, of a manager of the undertaking of the company on application by petition in a summary way to the Court of Chancery for Ontario ; and no receiver or manager shall be appointed by any court on the application of any person or persons who do not individually or collectively hold such debenture stock or bonds or both, amounting in the aggregate to one-tenth of the said loan capital : All money received by such receiver or manager shall, after due provision for the working expenses of the railway and other proper proceedings when interest on loan capital is in arrear.

Receiver, appointment and duties of.

proper outgoings in respect of the undertaking be applied under the directions of the court ratably, and without priority among the proprietors of debenture stock and holders of bonds to whom interest is in arrear, and on payment thereof the court may, if it think fit, discharge such receiver or such receiver and manager.

**Exchanging terminable bonds for debenture stock.**

**15.** Any holder of terminable bonds may at any time, with the consent of the directors of the company, deliver up the terminable bonds held by him in exchange for debenture stock, at par or at such rate as the directors may fix.

**Right to enter upon lands, as to snow-fences.**

**16.** The said company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of said railway, for the purpose of erecting snow fences, and to erect and maintain such fences thereon, subject to the payment of such land damages (if any), as may be thereafter established in the manner provided by law, in respect to such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April, then following.

**By-laws in aid and debentures issued made valid.**

**17.** All by-laws passed by any municipality for the purpose of aiding the said Lake Simcoe Junction Railway, and all debentures issued or to be issued under such by-law or by-laws shall be and are hereby declared to be legal and valid: Provided such by-laws have been adopted by a majority of legally qualified ratepayers who have voted thereon.

**Interest warrants or coupons to be collected by the trustee or trustees as they become due.**

**18.** And whereas it is expedient that provision be made for the collection and payment of the interest accrued or accruing due upon municipal debentures deposited with the trustee under by-laws granting aid to the said company; therefore it is enacted that it shall be the duty of the said trustee or any trustee appointed under this Act to detach from the debentures, so long as the same may remain in the hands of such trustee, the interest warrants or coupons now overdue, or as the same respectively accrue due; and present the same for payment, and, immediately upon payment thereof being made to deposit the proceeds thereof in some chartered bank, to be designated by the said company, to the credit of the Lake Simcoe Junction Railway municipal trust account, and to pay the same or any part thereof to the said company, upon the certificate of the chief engineer of the said company, that the money so deposited or any portion thereof is required in order to be applied upon the works of the said company: Provided that such payments shall only be made in accordance with the terms and conditions of the said By-laws.

**Trustees may be changed.**

**19.** It shall be lawful for the said company with the unanimous consent

consent of the municipal councils of the municipalities, or portions of municipalities, granting bonuses to the said company, at any time to change the trustee of the municipal debentures, and with such consent to appoint any president, vice-president, manager, or cashier of any chartered bank as trustee of such debentures; and upon notice being given of such change having been made, the trustee, in whose custody the said debentures may be, shall hand over the debentures and the interest coupons which may be attached thereto at the time such notice is given, and all moneys collected by him, and remaining to the credit of the said Lake Simcoe Junction Railway municipal trust account, to the new trustee so appointed: Provided in case the said municipal councils are unable to agree upon a new trustee within three months after notice of the intended change may be given to them by the said company, the Lieutenant-Governor in Council shall appoint such new trustee.

**20.** The said company may sell freed from any charge, mortgage or lien, which may be created under this or any other Act relating to the said company, any lands acquired by them, and which they do not require for railway purposes, by public auction, after giving thirty days' notice of such intended sale in at least one newspaper published in the county in which such lands lie.

**21.** For the purpose of constructing, working and protecting the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph companies are hereby conferred upon the said company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the said company.

**22.** Such parts of the Act incorporating said company, and the amendment thereto, as are inconsistent with this Act, and so much of the said Act incorporating the said company as relates to aid being obtained from a county municipality by grouping townships or portions of townships under a county by-law are hereby repealed; but except as aforesaid nothing in this Act contained shall be construed as repealing the said recited Acts or affecting anything hitherto done thereunder.

Company may  
sell lands not  
required

Powers as to  
telegraph lines.

Repealing  
clause.

## CAP. LXXVII.

An Act to amend the Acts relating to the London,  
Huron and Bruce Railway Company.

[Assented to 10th February, 1876.]

**Preamble.**

**W**HEREAS the London, Huron and Bruce Railway Company have petitioned for an extension of the time for the completion of their railway, and for power to amalgamate or unite with the Great Western Railway Company, and for other powers and privileges, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Time for  
completion  
of Railway  
extended.**

**1.** Notwithstanding anything contained in any Act relating to the London, Huron and Bruce Railway Company, the time for the completion by the said company of their railway shall be and the same is hereby extended to the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-eight.

**Union with  
Great Western  
Railway.**

**2.** It shall be lawful for the London, Huron and Bruce Railway Company and the Great Western Railway Company to unite together as one company, or for one of such companies to purchase and acquire the property and rights of the other.

**The same.**

**3.** It shall be lawful for the directors of one of the said companies to agree with the directors of the other company, that the companies they respectively represent shall be united as one company, or that one of such companies shall purchase and acquire the property and rights, and take upon itself all the liabilities of the other; and by such agreement to fix the terms upon which such union, or such purchase, shall take place, the rights which the shareholders of each company shall possess after such union or purchase, the number of directors of the company after any such union, and who shall be such directors until the then next election, the period at which such election shall be held, the number of votes which the shareholders of either company shall respectively have thereat, and thereafter the corporate name of the company after any such union, the time when the agreement shall take effect, the by-laws which shall apply to the united company, and generally to make all such conditions and stipulations, touching the terms upon which such union or purchase shall take place, as may be found necessary for determining the rights of the said companies respectively, and of the shareholders thereof, after any such union

or

or purchase, and the mode in which the business of the company shall be managed and conducted after any such union.

**4.** Whenever any such agreement shall have been made as aforesaid, the directors of each of the said companies shall call a special general meeting of the shareholders of the company they represent in the manner provided by law for calling such general meetings, stating particularly that such meeting is called for the purpose of considering the said agreement, and of ratifying or disallowing the same ; and if at such meeting of the shareholders of each of the companies concerned respectively three-fourths or more of the votes of the shareholders attending the same, in person or by proxy, be given for ratifying the said agreement, then the same shall have full effect accordingly as if all the terms and clauses thereof, not inconsistent with this Act, were enacted in an Act of the Legislature of this Province, and if less than three-fourths of the votes of the shareholders present at [such meeting, in person or by proxy, be given in favour of ratifying such agreement, then the same shall be void and of no effect, and no other meeting shall be called to consider any agreement for a like purpose within six months thereafter : Provided always, that the first meeting of the shareholders of each company for considering any such agreement shall be held within three months of the time when the same shall be made by the directors thereof, and not afterwards.

**5.** From and after the time when any such ratified agreement for the union of the said companies shall take effect, the said companies shall become one company and one corporation by the corporate name assigned to it in such agreement, and shall be invested with and have all the rights and property and be responsible for all the liabilities of the said respective companies, and shall be held to be the same corporation with each of them so that any right or claim which could be enforced by or against either of them may after such union be enforced by or against the company formed by their union, and any suit, action, or proceeding pending at the time of such union by or against either of such companies may be continued and completed by or against the company formed by their union by the corporate name assigned to it by the agreement : Provided always, that the rights of any person or party having any special hypothec or privileged claim upon the lands and buildings, tolls, revenues or other property real or personal of either of such companies or upon any part thereof shall not be impaired by such union, and the company shall keep separate accounts with respect to each railway, so as to ascertain the property or moneys upon which any such hypothec or privileges may attach : Provided also that thereafter the provisions of the thirty-fourth section of the Act passed in the thirty-fourth year of Her Majesty's reign, intituled "An Act to incorporate the London, Huron and Bruce Railway Company," shall extend and apply as well to any portion of railway which the said new company shall use

Meeting of  
shareholders  
to confirm the  
amalgamation.

The two Com-  
panies to  
become one  
corporation

use for the purpose of connecting the southern terminus of the London, Huron and Bruce Railway with the City of London as to the said "The London, Huron and Bruce Railway."

After ratification of agreement, the Railway property, &c., is to be vested in the Company purchasing.

**6.** From and after the time when any such ratified agreement for the purchase by the one company as aforesaid of the railway property and rights of the other company, shall take effect, such railway property and rights shall become vested in and shall be exercised by the company purchasing the same by the corporate name assigned to it in such agreement, and such last mentioned company shall be responsible for all the liabilities of the company whose railway property and rights shall have been transferred to them, and shall be held to be the same corporation with it, so that any right or claim which could be enforced by or against the purchasing company, and any suit, action or proceeding pending at the time such agreement shall take effect by or against either company may be continued and completed by or against the purchasing company by the name assigned to it in such agreement: Provided always, that the rights of any person or party having any special hypothec or privileged claim upon the lands, buildings, tolls or other property of either of such companies or upon any part thereof, shall not be impaired by such purchase, and the company shall keep separate accounts with respect to each railway, so as to ascertain the property or moneys upon which any such hypothec or privilege shall attach: Provided always, that the company whose property and rights shall have been so purchased shall continue to have a corporate existence for the sole purpose of doing such things and such things only as shall be necessary for the purpose of giving full effect to the ratified agreement and to the rights of the shareholders or others under the same, and so long as there shall remain anything to be done for that purpose, directors may be elected for the said company, and may exercise their powers for such purposes as aforesaid, and for those purposes only.

Capital of the Company.

**7.** In the case of any such union as aforesaid, the capital of the company formed thereby, shall be equal to the combined capitals of the companies united, and they may raise by loan or otherwise any sum not exceeding the total amount which such companies might raise, and in the case of the purchase by one company of the property and rights of the other company, the purchasing company shall have full power to increase their capital by such sum as may be required to pay the purchase money agreed upon, and may raise the sum required for the said purpose either among themselves or by the admission of new subscribers, in such manner as shall be provided by by-laws to be passed for the purpose, or may raise such sum or any part thereof by loan, and may issue debentures for the amount so borrowed in the manner and form provided, with regard to other debentures issued by such company, by their Act of Incorporation, or any Act amending the same, except that such debentures may be made to bear any rate of interest not exceeding seven per centum per annum.

**8.** All the privileges, powers, rights and franchises possessed or enjoyed by either of the said companies under their respective Acts of Incorporation and amendment, in force at the time of any such agreement, shall be continued to and possessed by the company formed by such union or purchase, who may use or exercise the same as fully as the company who immediately before such union or purchase possessed or enjoyed the same: Provided that in case of inconsistent provisions in the charters of the two companies the agreement between the two companies shall define which shall continue to and be possessed by the united or purchasing company.

**9.** Where stone, gravel or any other material for the construction or maintenance of the said railway, or any part thereof, or lands for stations, or for the more convenient working of the railway, or for the convenience of its traffic, is or are required, the London, Huron and Bruce Railway Company hereinafter called the company, may, in case they cannot agree with the owner of the lands on which stone, gravel or materials are situate, or the owner of such other lands aforesaid, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration as in case of acquiring the roadway, and all the provisions of the Railway Act of the late Province of Canada, as varied and modified by the special Acts relating to the said company, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey possession, and the parties from whom lands may be taken, or who may sell, and all the provisions of the eleventh section of the said Railway Act, as so varied and modified, shall apply to the subject matter of this section and to the obtaining and acquiring materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the lands, or for the right to use the same, or take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

**10.** When the said gravel, stone, or other materials shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act and of the special Acts relating to said company's Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding

section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

**Company may purchase entire lots to procure materials.**

**11.** Whenever it shall be necessary to procure lands or materials for the purposes in the two preceding sections of this Act mentioned, or any of them, and in case by purchasing the whole of any lot or parcel of land of which the portion to be so procured forms part, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing or taking the portion only, the company may purchase or take and hold, use or enjoy the whole of such lot or parcel, and also the right of way thereto, if the same be separated from their Railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient: and the company may make use, for the purposes of the said railway, of the water of any stream or water course over or near which the said railway passes, doing, however, no unnecessary damage thereto.

**Number of Directors.**

**12.** It shall be lawful for the said company from time to time, in special general meeting, to reduce or increase the number of the directors of the company, so, however, that such number shall not be less than five or more than nine, and to determine what number, not less than three, shall be a quorum.

**Failure to elect Directors at annual meetings.**

**13.** If for any reason, in any year, no election of directors shall take place at the annual general meeting, the existing directors shall continue to act and retain their powers until new directors are elected at any subsequent annual general meeting or special general meeting called for the purpose.

**Great Western Railway may hold stock in the London, Huron and Bruce Rail-way.**

**14.** The Great Western Railway Company, if so lawfully empowered, may hold shares in the capital stock of the said London, Huron and Bruce Railway Company, either in their own name or in the names of trustees, and such trustees shall have all the rights, powers and privileges of ordinary shareholders.

**The railway as built from the Great Western to the W. G. & B. road to be deemed built according to by-laws in aid.**

**15.** The London, Huron and Bruce Railway, as constructed on the thirty-first day of December, one thousand eight hundred and seventy-five, from a point on the Great Western Railway, west of London, to a point on the Wellington, Grey and Bruce Railway, near Wingham, shall be deemed and taken to have been constructed and fully completed in every respect according to and in compliance with the terms, provisions and conditions of the by-laws of the municipalities granting aid by way of bonus to the company, and of all agreements relating to the said by-laws or the grants made thereunder, and as if the said termini had been those provided for; but nothing herein shall deprive the company of any right to extend the railway beyond the said points, if they shall see fit so to do.

## CAP. LXXVIII.

An Act to amend an Act incorporating the L'Original and Caledonia Railway Company.

[Assented to 10th February, 1876.]

WHEREAS the L'Original and Caledonia Railway Company Preamble. have prayed for certain amendments of their charter, and for an extension of the powers conferred upon them thereby:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The said the L'Original and Caledonia Railway Company Extension of Railway. shall have full power and authority to extend the construction of their railway from L'Original or make a branch within two miles therefrom to Hartincks' wharf (so commonly called), in the Township of Longueuil, also to extend the construction of their railway from the present terminus at Caledonia Springs, in the Township of Caledonia, to some point on the line of the Montreal and City of Ottawa Junction Railway at or near High Falls, in the Township of Cambridge.

**2.** All the clauses and provisions contained in the said Act Certain Acts to apply to extensions of Railway. incorporating the L'Original and Caledonia Railway Company, and the several powers and authorities conferred upon such company by such Act, and the several clauses of the General Railway Act mentioned and referred to in the said Act, shall be held, taken and construed to apply to each and every extension and branch hereby authorized to be constructed as fully and effectually as if such extensions or branch lines had been specially authorized in and by the said Act incorporating the said company.

**3.** For the purpose of constructing, working and protecting Telegraph lines. the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph companies by the Act respecting electric telegraph companies are hereby conferred upon the said company, and the other provisions of the said Act for the working and protecting of telegraph lines shall apply to any such telegraph lines constructed by the said company.

**4.** The said company shall have power to purchase, build, fit Power to build Steamboats. out, complete and charter, sell or dispose of, work or control, and keep in repair, steamboats, steam-tugs, barges and other vessels to ply in connection with the said railway.

**5.** The said company shall also have power to purchase or Acquisition of water lots. acquire

acquire water lots, and to purchase and construct, on the shore of the South Nation River, near to said railway, such wharves, piers, warehouses or other works as may be required for the use of the said company.

38 Vic., c. 51,  
s. 42, amend-  
ed.

**6.** The forty-second section of the Act incorporating the said company is hereby amended by striking out the word "fifty" in the seventeenth line thereof, and substituting therefor the words "one hundred."

Commence-  
ment and com-  
pletion of  
branch lines.

**7.** The extensions and branch lines hereby authorized shall be commenced within three years and completed within six years after the passing of this Act, or else the right to construct the extensions and branch lines shall be forfeited.

## CAP. LXXIX.

### An Act to incorporate the Niagara Falls and Lake Erie Railway Company.

[Assented to 10th February, 1876.]

Preamble.

**W**HEREAS it is expedient to grant a charter for the construction of a railway from a point at or near Niagara Falls, in the County of Welland, to some point at or near Port Maitland, in the County of Haldimand:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

**1.** James Zimmerman and Jonas Tarr Bush, of Niagara Falls; J. F. Macklem, of Chippewa; C. W. Buntin, of Toronto; M. C. Upper, of Dunnville; and Robert Ramsay, of Dunn, together with such other persons and corporations as shall in pursuance of this Act become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Niagara Falls and Lake Erie Railway Company."

Name.

Certain clauses  
of the Railway  
Act to apply.

**2.** The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments thereto, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfers," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of

of the railway," and "general provisions;" and also the several clauses of chapter twenty-five of the Statutes of this Province, passed in the thirty-fifth year of Her Majesty's reign, shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Interpretation Act," when used herein, shall be understood to include the <sup>of the words</sup> "this Act." clauses of the Railway Act so incorporated with this Act.

**3.** The said company shall have full power under this Act to construct a railway from some point at or near the said Niagara Falls to some point at or near the said Port Maitland, with full powers to pass over any portion of the country between the points aforesaid, and to carry the said railway through the Crown lands lying between the points aforesaid.

**4.** The gauge of the said railway shall not be less than four feet eight and one-half inches.

**5.** Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the Schedule A hereunder written, or to the like effect, and such conveyances shall be registered by duplicates thereof in such manner and upon such proof of execution as is required under the Registry Act of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

**6.** From and after the passing of this Act the said James Zimmerman, Jonas Tarr Bush, J. F. Macklem, C. W. Buntin, M. C. Upper and Robert Ramsay shall be the provisional directors of the said company.

**7.** The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the said company, with power to fill vacancies occurring thereon, to associate with themselves not more than three other persons, who upon being so named shall become and be provisional directors of the company equally with themselves; to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such powers as under the Railway Act are vested in such boards.

**8.** The capital stock of the company hereby incorporated shall be one hundred and fifty thousand dollars (with power to increase the same in the manner provided in the Railway Act), to be divided into one thousand five hundred shares of one hundred dollars each; and the said company, under the provisions of the Railway Acts, may also issue bonds.

Ten per cent.  
to be paid on  
stock.

**9.** On the subscription for shares of the said capital stock, each subscriber shall pay forthwith to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of said company.

Calls.

**10.** Thereafter calls may be made by the directors for the time being as they shall see fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber.

Election of  
Directors.

**11.** As soon as shares to the amount of fifty thousand dollars of the capital stock of the said company, other than by municipalities, shall have been subscribed, and ten per centum thereof paid into some chartered bank of this Province (which shall on no account be withdrawn therefrom unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up ten per centum, for the purpose of electing directors of the said company.

Provision in  
case Provi-  
sional Direc-  
tors neglect to  
call meeting.

**12.** In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are each subscribers for not less than five hundred dollars of the said capital stock, and who have paid up all calls thereon.

Notice of  
meeting.

**13.** In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one weekly newspaper in the County of Welland and in the County of Haldimand, once in each week for the space of at least four weeks; and such meeting shall be held in the Town of Dunnville on such day as may be named by such notice; at such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose five persons to be the directors of the said company, and may also make and pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual  
meetings.

**14.** Thereafter the general annual meeting of the shareholders of said company may be held at such place and on such days and at such hour as may be directed by the by-laws of the said company, and public notice thereof shall be given for at least four weeks previously in the *Ontario Gazette*, and once a week in a newspaper published in each of the Counties of Welland and Haldimand during such four weeks.

Special  
meetings.

**15.** Special general meetings of the shareholders of the said company

company may be held at such places and at such times and in such manner as may be provided by the by-laws of the said company.

**16.** Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share held by him, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting. Scale of votes.

**17.** No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least twenty shares of stock in the said company, and unless he has paid up all calls thereon. Qualification of Director.

**18.** Any meeting of the directors of the said company regularly summoned, at which not less than three directors shall be present shall be competent to exercise and use all and every of the powers hereby vested in the said directors. Quorum of Directors.

**19.** And it shall further be lawful for any municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the said railway or works of the said company shall pass or be situated, to aid or assist the said company by loaning or guaranteeing or giving money by way of bonus or other means to the said company or issuing municipal bonds to or in aid of the said company and otherwise in such manner and to such extent as such municipality shall think expedient: Provided always, no such aid, loan, bonus or guarantee shall be given except after the passing of by-laws for the purpose and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the creation of debts. Aid by Municipalities.

**20.** Such by-laws shall be submitted and passed in manner following, namely : Manner of submitting by-laws by Municipalities to ratepayers.

1. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act;

2. In the case of other municipalities, by the council of such municipalities on the petition of the majority of the council or of fifty resident freeholders duly qualified as aforesaid.

**21.** Such by-laws shall be submitted :

1. For raising the amount so petitioned for by the issue of debentures payable in twenty years and for the delivery to the trustees of the debentures for the amount of said aid or bonus at the time and on the terms specified in the petition ; The same.

2. For assessing and levying upon all the ratable property,

perty, lying within the municipality, an equal annual special rate sufficient to include a sinking fund for the repayment of the debentures with interest thereon, said interest to be paid yearly or half yearly, which debentures the municipal councils, and the wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such case respectively, and in case such by-laws be approved or carried by the majority of the votes given thereon, the proper council shall, within one month after such voting has taken place, read the said by-laws a third time and pass the same.

**Delivery of  
debentures to  
the Trustees.**

**22.** And within one month after the passing of such by-law the said council and the wardens, mayor, reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted and deliver the same to the trustees appointed or to be appointed under this Act.

**By-laws valid  
though the  
annual rate  
exceed two  
cents in the  
dollar.**

**23.** All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby shall be valid although the amount of the annual rate to be levied in pursuance thereof shall exceed two cents in the dollar.

**Exemption of  
Railway from  
taxation.**

**24.** It shall further be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

**Gift of lands  
to Company by  
Municipalities,  
&c.**

**25.** Any municipality, through which the said railway may pass, is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of lands from any person or body politic or corporate, and shall have power to sell or dispose of the same for the benefit of the said company.

**Trustees.**

**26.** It is hereby enacted that whenever any municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures therefor shall, within six weeks after the passing of the by-laws authorizing the same, be delivered to three trustees, one to be named by the Lieutenant-Governor in Council, one by the said company, and one by the wardens of the Counties of Welland and Haldimand, and

and in case of gifts by individuals or bodies corporate or politic other than municipalities the same shall be delivered to the same persons unless the said company and such individuals or bodies corporate or politic shall agree on some other person or persons for that purpose or shall agree that the same shall be delivered to the said company: Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month, after notice to him in writing requiring him to appoint a trustee, the said company shall be at liberty to name a trustee in place of the one to have been named by the said Lieutenant-Governor in Council.

**27.** Any of the said trustees may be removed and a new one appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the said company; and in case any trustee die or resign his trust or remove out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of the said company.

**28.** The act of any two of the trustees shall be as valid and binding as if the three had agreed.

Appointment  
of new  
Trustees.

**29.** The said trustees shall receive the said debentures or bonds in trust—Firstly under the direction of the company but subject to the conditions of the by-law in relation thereto as to time and manner to convert the same into money—Secondly to deposit the amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of “The Niagara Falls and Lake Erie Railway Municipal Trust Account,” and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate in the form of Schedule B hereto annexed of the chief engineer of the said railway for the time being, which certificate is to be attached to the cheque drawn by the said trustees for such payments; and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Act of two  
Trustees to be  
binding

Trusts upon  
which deben-  
tures shall be  
held.

**30.** Any county shall be at liberty to take the debentures issued by any minor municipality within the county, and in exchange therefor to hand over to the trustees under this Act the debentures of the county, on resolution being passed to that effect by the majority of the county council.

**31.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer

Exchange of  
township  
debentures for  
those of the  
county.

Negotiable  
instruments.  
treasurer

treasurer of the said company, and under the authority of a quorum of the directors shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, or shall the president or vice-president or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange, payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Lands for stations, &c.

**32.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining or using the said railroad, in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same or part thereof from time to time as they may deem expedient.

Agreements with other Companies.

**33.** It shall be lawful for the said company to enter into any agreement with any other railway company in the Province of Ontario, for leasing the said railroad or any part thereof, or for the use thereof at any time or times, or for any period to such other company, or for the leasing and hiring any locomotives, tenders or moveable property, or for the leasing by the said company of any such other railway company's roadway, or any part thereof, or for the use thereof at any time or times, or for any period to the said company, or for the leasing and hiring any locomotives, tenders or moveable property of such other railway company as they may deem expedient, and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies of the railway or moveable property of either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor; or such other railway company as well as any other corporation may agree upon any terms as they may mutually consent to for the loan of its credit to, or may subscribe to or become the owner of the stock of, the railway company hereby created in like manner and with like rights as individuals, but in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed, within the limits of the Province of Ontario,

Ontario, to the other, and the compensation therefor, and any such agreement shall be valid and binding and shall be enforced by courts of law according to the terms and tenor thereof, and any company or individual accepting or executing such lease, shall be, and is empowered to exercise all the rights and privileges in the charter conferred: Provided, however, that any lease or agreement authorized by this section shall be subject to the approval of a majority of the shareholders obtained at a special general meeting convened according to the by-laws of the company for considering the same.

**34.** The said company shall have power, and it shall be law-<sup>The same.</sup> ful for them to enter into arrangements with any other railway company for the utilizing of the whole or any part of such railway company's roadway lying between the aforesaid points as the said company may see fit, and such part so utilized shall be deemed for the time to be a portion of the railway so to be constructed as aforesaid, but such utilization shall not prevent said company from carrying out their original design of building an entire independent roadway.

**35.** For the purpose of constructing, working and protect-<sup>Telegraph lines.</sup> ing the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph companies by the Act respecting electric telegraph companies are hereby conferred upon the said company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the said company.

**36.** The shareholders of the said company may, by resolution come to at the annual or any meeting of shareholders specially called for the purpose, give the directors appointed by the shareholders power to sell stock of the company at reduced rates, to allot and hand over paid up stock or bonds of the company in payment of right of way, plant, rolling stock or material of any kind, and also for the services of contractors, engineers and persons, whether directors or not, who may be or may have been engaged in promoting the construction, equipment and undertaking of the said railway: Provided that no allowance shall be made to directors without the express sanction of the shareholders, and that directors not appointed by the shareholders shall not interfere in the issue or sale of stocks or bonds of the said company.

Power to  
Directors to  
sell stock at  
reduced rates,  
&c.

**37.** The said railway shall be commenced within two years, and be completed within five years from the passing of this Act, or in default the charter of the said company shall be forfeited, and the powers hereby conferred shall cease, and determine so far as relates to so much of the said railway as may not then be completed, and in regard to so much of the same as may then

Commence-  
ment and com-  
pletion of  
Railway.

then be completed, the said company shall enjoy the full powers conferred on them by this Act and all other Acts of Parliament.

Rights of  
aliens.

**38.** Any shareholder in the said company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, to vote in the same, to be eligible to office in the said company.

#### SCHEDULE A.

(See Section 5.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*), in consideration of paid to me (or us) by the Niagara Falls and Lake Erie Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*), in consideration of paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that parcel (or those parcels) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Niagara Falls and Lake Erie Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered }  
in the presence of }

[L S.]

#### SCHEDULE B.

(See Section 29.)

The Niagara Falls and Lake Erie Railway Company's Office,  
No. Engineer Department, A.D. 18

Certificate to be attached to cheques drawn on the Niagara Falls and Lake Erie Railway Municipal Trust Account:—

I, Chief Engineer for the Niagara Falls and Lake Erie Railway Company, do hereby certify that the sum of dollars is required to be expended in the construction of the portion of the line extending from mile No. to mile No.

and that payment should be made to the company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the by-law of the Municipality of the of

## CAP. LXXX.

## An Act to incorporate the Ontario Mineral Railway Company.

*[Assented to 10th February, 1876.]*

**W**HEREAS the construction of a railway from some point Preamble. on the Grand Junction Railway in or near the Village of Stirling to the Dufferin Iron Mines in the Township of Madoc, and from thence to a point on the nineteenth concession of Tudor, has become desirable for the development of the resources of certain portions of the County of Hastings:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** John B. Maas, E. D. O'Flynn, Nicholas Lonstorf, John R. Incorporation. Mitchell, James Chambers, Charles Gream, Thomas Cross, William Coe, Peter Gunter, J. D. R. Williams, M.D., Peter Chard, Edward Mouncey and James Maitland, together with such persons and corporations as shall in pursuance of this Act become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and Corporate name. politic by the name of "The Ontario Mineral Railway Company."

**2.** The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the clauses thereof respecting "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuations," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway" and "general provisions" shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactment hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Interpretation of the words "this Act." Railway Act so incorporated with this Act.

**3.** The said company shall have full power under this Act to Location of line. construct a railway from any point on the Grand Junction Railway, in or within two miles of the corporation of the Village of Stirling to the Dufferin Mine in the Townships of Marmora and Madoc, or to some point in the vicinity thereof, and from thence through the Townships of Madoc and Tudor to the nineteenth concession of Tudor, with full power to pass over

over any portion of the country between the points aforesaid, and to construct branch lines to any point within ten miles of this line, and to carry the said railway and branches through the Crown lands lying between the points aforesaid.

## Gauge.

**4.** The gauge of the said railway shall not be less than three feet six inches, but may be made wider in the discretion of the directors of the said railway.

## Form of conveyances.

**5.** Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the Schedule A hereunder written, or to the like effect, and such conveyances shall be registered in such manner as is required under the Registry Laws of Ontario ; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates.

## Registration.

**6.** From and after the passing of this Act the said John B. Maas, E. D. O'Flynn, Nicholas Lonstorf, John R. Mitchell, James Chambers, Thomas Cross, William Coe, Peter Gunter, Charles Gream, J. D. R. Williams, M.D., Peter Chard, Edward Mouncey and James Maitland shall be the provisional directors of the company.

## Provisional directors.

**7.** The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons who upon being so named shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such other powers as under the Railway Act are vested in such boards.

## Capital stock.

**8.** The capital of the company hereby incorporated shall be five hundred thousand dollars (with power to increase the same in manner provided by the Railway Act), to be divided into five thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised

Application of money.

shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act and to no other purposes whatever ; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any county, town, township or village on the line of such works may pay out of the general funds of such municipality

municipality its fair proportion of such preliminary expenses, which shall hereafter be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

**9.** On the subscription for shares of the said capital stock, each subscriber shall pay forthwith to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said company. Ten per cent. of the stock to be paid up.

**10.** Thereafter calls may be made by the directors for the time being as they shall see fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber. Future calls.

**11.** The said provisional directors or the elected directors may pay or agree to pay in paid up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional directors or not, and any agreement so made shall be binding on the company. Directors may make certain payments in paid up stock or in bonds.

**12.** As soon as shares to the amount of thirty thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in the County of Hastings, which on no account shall be withdrawn therefrom unless for the service of the company, the directors shall call a meeting of the subscribers to the said capital stock who shall have so paid up ten per centum thereof, for the purpose of electing directors to the said company. General meeting for the purpose of election of directors.

**13.** It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof at the time of subscription thereof or at any time before the making of a final call thereon, and to allow such percentage of discount thereon as they may deem expedient and reasonable, not exceeding twelve per centum, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed. Directors may accept payment in full of stock.

**14.** In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are How meeting may be called if provisional directors neglect to call the same.

are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of general meeting; election of directors.

**15.** In either case, notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette* and in one local newspaper once in each week for the space of at least four weeks, and such meeting shall be held in the County of Hastings at such place therein and on such day as may be named by such notice: at such general meeting, the subscribers for the capital stock assembled, who shall have so paid ten per centum thereof, with such proxies as shall be present, shall choose seven persons to be directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual meetings.

**16.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the County of Hastings and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and in one local newspaper once in each week during such four weeks.

Special general meetings.

**17.** Special general meetings of the shareholders of the said company may be held at such places in the County of Hastings and at such times, and in such manner and for such purposes as may be provided by the by-laws of the said company.

Scale of votes.

**18.** Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share held by him, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Qualification of directors.

**19.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon.

Quorum of Directors.

**20.** Any meeting of the directors of the said company regularly summoned, at which not less than four directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Aid to company from Government, &c.

**21.** The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way

way of bonus, gift or loan in money or debentures or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

**22.** Any municipal corporation which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained and which are to be taken as applicable thereto: Provided always, that no such aid shall be given except after the passing of a by-law by the qualified ratepayers of the municipality as provided in Municipal Act for the creation of debts.

**23.** Such by-law shall be submitted by the Municipal Council to the vote of the ratepayers in manner following, namely:—

1. The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act;

3. In case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders being duly qualified voters as aforesaid.

**24.** Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

**25.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality. Interpretation of the words "minor municipality."

**26.** No by-law shall be valid or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or sections affected thereby, but for the purpose of such aid the amount of the aggregate annual rate to be levied in any such municipality or section may exceed two cents in the dollar, limited by the Municipal Act.

Provisions of  
by-law.

**27.** Such by-law shall in each instance provide :—

1. For raising the amount petitioned for in the municipality by the issue of debentures of the municipality, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law ;

2. For assessing and levying upon all ratable property lying within the municipality, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half yearly or by equal annual instalments of principal and interest ; which debentures the respective municipal councils, warden, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively : Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in any such case apply the moneys received therefor in payment of the said debentures and interest.

If by-law de-  
feated, limit of  
time for sub-  
mitting similar  
by-law.

**28.** In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality, until after the expiration of six months from such rejection.

If by-law  
carried,council  
to pass the  
same,

**29.** In case the by-law submitted be approved of, or carried by a majority of the votes given thereon, then within four weeks after the date of such voting the Municipal Council which submitted the same shall read the said by-law a third time and pass the same.

and issue the  
debentures.

**30.** Within one month after the passing of such by-law, the said council and the warden, mayor, reeve or other officers thereof, shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

County Corpo-  
ration may ex-  
change their  
debentures for  
those of the  
township.

**31.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township a like amount of the debentures of the said county on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Trustees for  
municipal de-  
bentures.

**32.** Whenever any municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company

pany and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees: Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, with the consent of the said company; and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of the said company.

**33.** The said trustees shall receive the said debentures or bonds in trust: firstly, under the direction of the company, to convert the same into money; but subject to the conditions of the by-law in relation thereto as to time and manner; secondly, to deposit the amount realized from the sale in some of the chartered banks having an office in this Province, in the name of the "Ontario Mineral Railway Municipal Trust Account," and to pay the same out to the said company from time to time on the certificate of the chief engineer of the said railway, in the form set out in Schedule B hereto or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for is in pursuance of the terms and conditions of the by-law; and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

**34.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees to be as valid and binding as if the three had agreed.

**35.** Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company, may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the said company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

**36.** Any municipality through which the railway may pass is empowered to grant by way of gift to the said company any lands Company may receive gifts of land.

lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same, for the benefit of the said company.

**Municipalities  
may exempt  
company from  
taxation.**

**37.** It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

**Council may  
extend time.**

**38.** It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses.

**Councils may  
contribute to-  
wards prelimi-  
nary expenses.**

**39.** It shall be lawful for the council of any township or county municipality interested in the said extension branches or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations, on behalf of such township or county municipality, to bear all or any part of the costs, charges and expenses of and incidental to the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses: Provided always, that no such bonus shall exceed five thousand dollars.

**Municipalities  
may agree as  
to application  
of bonus.**

**40.** Whenever any municipality shall aid, loan, guarantee or give money or bonds by way of bonus, to aid the making, equipment and completion of said extension and branches or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction within the limits of the municipality granting the same.

**Issue of bonds  
by the com-  
pany.**

**41.** The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding

ceeding twelve thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the said undertaking, and the property of the company real and personal then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee, and Rights of bondholders to annual meetings. incumbrancer *pro rata* with all the other holders thereof upon the undertaking, and the property of the company as aforesaid; and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next general annual meeting of the said company all holders of bonds shall have and possess the same rights and privileges, and qualifications for directors, and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

**42.** All such bonds, debentures, mortgages and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name. Securities may be payable to bearer.

**43.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for Company may make promissory notes, &c. sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary or treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided however, that nothing But not to be circulated as money. in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

**44.** Whenever it shall be necessary, for the purpose of Power as to lands for stations, &c. curing sufficient lands for stations or gravel pits, or for constructing,

structing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands and also the right of way thereto if the same be separated from their railway, and to sell and convey the same or part thereof from time to time as they may deem expedient.

**Running  
powers over  
other railways**

**45.** The company shall have power to enter into and make arrangements with the Grand Junction Railway Company, the Grand Trunk Railway Company, and the Trent Valley Railway Company, and the Belleville and North Hastings Railway Company, and all other lines of railway that may hereafter be constructed connecting the mineral regions of Hastings and Peterborough with Lake Ontario and with all corporations or persons for running powers over their roads, for the use of docks, wharves, stations, or for the purchase of ground on which to construct the same, or for any other purpose that may be in the interest of or necessary on behalf of the Ontario Mineral Railway, in furtherance of the business objects of the said railway.

**Rights of  
aliens.**

**46.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company; and such aliens whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as Directors of the said company.

**Divisions of  
railway.**

**47.** The said railway shall be taken to be divided into two divisions: that portion of the said line between a point on the Grand Junction Railway in or near the Village of Stirling to a point adjacent to the Dufferin Mine, shall constitute the first division, and from thence to the nineteenth concession of the Township of Tudor, shall comprise the second division; the said railway shall be commenced within six months, and one of the said divisions completed within two years from the passage of the said Act: the said directors shall have the option of commencing work upon either the said first or second division, as they may deem most advisable, and completing the same within the time so limited, but in every case the other division shall be completed within five years from the passing of this Act, or else the charter shall be forfeited as regards so much of the said railway not completed at that date.

## SCHEDULE A.

(See Section 5.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*), in consideration of paid to me (or us) by the Ontario Mineral Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*), in consideration of

paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that parcel (or those parcels) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Ontario Mineral Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered }  
in the presence of } .

[L. S.]

## SCHEDULE B.

(See Section 33.)

The Ontario Mineral Railway Company's Office,  
No. Engineer Department, A. D. 18

Certificate to be attached to cheques drawn on the Ontario Mineral Railway Municipal Trust Account:—

I, Chief Engineer for the Ontario Mineral Railway Company, do hereby certify that the sum of dollars is required to be expended in the construction of the portion of the line extending from mile No. to mile

No. and that payment should be made to the company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the by-law of the Municipality of the of

## CAP. LXXXI.

## An Act to incorporate "The Petrolia Oil Pipe Company."

[Assented to 10th February, 1876.]

**Preamble.**

**W**HEREAS William H. McGarvey, Oliver Simmons, Hiram Cooley, James Perkins, Patrick Gleeson, Martin J. Woodward and William Lindsay have represented by their petition, that the production of refined oil could be much cheapened by reason of the saving which would be effected in the cost of transportation of crude and distilled oils from the place of their production and distillation in or about Petrolia, in the County of Lambton, to refining establishments along or near the lines of the Grand Trunk and Canada Southern Railway Companies, and that the price of refined oil for consumption in those parts of the Dominion of Canada covered by said lines of railway would also be cheapened by the like saving in the cost of transportation, by means of a pipe from some point at or near Petrolia to the lines of the said respective railways, and have asked to be incorporated for the purpose aforesaid; And whereas it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**Incorporation.**

**1.** The said William H. McGarvey, Oliver Simmons, Hiram Cooley, James Perkins, Patrick Gleeson, Martin J. Woodward and William Lindsay, together with all such other persons as shall become shareholders in the company hereby incorporated, are hereby constituted and made a body corporate and politic by the name of "The Petrolia Oil Pipe Company," whose head office shall be at the Town of Petrolia, in the County of Lambton, or such other place as the directors of the said company shall from time to time, in that behalf, by resolution or by law, name and appoint.

**Corporate  
name.  
Head office.**

**Powers of  
company.**

**2.** The said company is hereby empowered to lay down, at a depth beneath the general surface of the ground of not less than three feet, a connected, and thereby a continuous, pipe or pipes in such sections as shall seem expedient in as near as may be, and as the surface of the country will reasonably admit of, or by deviations therefrom as circumstances shall make expedient, between points at or near Petrolia, in the County of Lambton, and at or near the line of the Grand Trunk Railway in the Township of Plympton, and at or near the line of the Canada Southern Railway Company in the Township of Enniskillen, for the purpose of carrying along the said pipe or pipes the crude oil, distillate or refined oils of petroleum from the place or places of its production and manufacture in or about Petrolia aforesaid

to

to points at or near the lines of the Grand Trunk Railway Company in said Township of Plympton, and the Canada Southern Railway Company in said Township of Enniskillen aforesaid, with such branches or subsidiary pipes diverging from the points aforesaid as shall be deemed expedient for collecting together at the places of its production the said crude oil, distillate or refined oils of petroleum, and for delivering the same to the said respective railways at or near their respective lines in the townships aforesaid, for carriage and for distributing or delivering the same to any other company or persons, or refiners on or near to the route or termination of such pipe line aforesaid, and the said company is further empowered to erect, maintain, operate and carry on all such tanks, reservoirs, engines, machinery, houses and erections, and all other matters and things whatsoever necessary or expedient for the said undertaking.

**3.** The said company is empowered to purchase, take and hold, besides personal property, lands, tenements, hereditaments and real property requisite and necessary for the purposes aforesaid, and proper and convenient for the construction, maintenance, use and working of the same; and such lands, tenements, hereditaments and real property, or any of them, or any part thereof, to sell, alienate and convey, and others in their stead if deemed advisable to purchase, take and hold from time to time for the purposes and uses aforesaid: Provided always, <sup>Proviso.</sup> that such lands, tenements, hereditaments and real property shall not at any one time exceed fifty thousand dollars in value, and shall at all times be held exclusively for the construction, maintaining, operating and carrying on the works and other the premises aforesaid, and for the purposes, uses and business operations of the said company, and in and towards the accomplishment of the same, and effecting the objects for which the said company is incorporated and not otherwise.

**4.** The capital of the said company shall be twenty-five thousand dollars, to be divided into five hundred shares of fifty dollars each, and the shares of the said capital stock, after the first instalments thereon shall have been paid, shall be transferable by the respective persons subscribing or holding the same, and all transfers thereof shall be registered in a book or books to be kept for that purpose by the said company, and for the purpose of organizing the said company, the persons named in the first section of this Act shall be provisional directors thereof, and they or a majority of them may cause stock books to be opened in which shall be recorded the names of the shareholders, with the number of shares subscribed by them respectively.

**5.** When and so soon as five thousand dollars of the capital stock shall have been subscribed and the first instalment of ten per centum thereon paid into some chartered bank in Ontario

<sup>Election of  
president and  
directors.</sup>

Ontario to the credit of the company, it shall be lawful for the provisional directors or any of them to call a meeting of the shareholders by notice therefor, to be inserted at least ten days previously in one newspaper published in the said County of Lambton, and naming the day, hour and place of such meeting in the Town of Petrolia, and the shareholders present at such meeting, in person or by proxy, who shall have paid the first instalment of ten per centum on the shares held by them respectively, shall elect seven persons, each holding not less than five shares in the said company, to be directors of the said company; and the said directors elected as aforesaid may then forthwith or at any subsequent meeting of themselves elect among their own number a president, and such president and directors shall hold office until the first Monday in February then next following.

**Annual election of directors.**

**6.** On the said first Monday in February, and on every first Monday in every succeeding February, a general meeting of the shareholders shall be called and held at the head office of said company, or in such other place as the president or directors shall name, and at such hour as shall be mentioned in the notice in that behalf; at which the shareholders present, in person or by proxy, shall elect from among themselves seven persons, each holding not less than five shares in said company, to be directors in the room of the directors for the then past year, who may proceed to the election of president in manner aforesaid.

**Qualification and number of directors.**

**7.** In the election of directors and in the transaction of business by the shareholders, each shareholder shall be entitled to as many votes as he holds shares not in default.

**Quorum of directors.**

**8.** Any four of the directors shall constitute a quorum for the transaction of business; and the president, and in his absence a chairman to be appointed by the directors then present, shall preside at the meetings of the directors, and in case of a tie, shall in addition to his vote as a director have the casting vote.

**Vote of president.**

**9.** In case it should at any time happen that an election of directors should not be made on any day when, pursuant to this Act, it should have been made, the said company shall not for this cause be deemed to be dissolved, but it shall be lawful on any other day to hold a meeting of shareholders, and make an election of directors in such manner as may be regulated, directed and appointed by the directors for the time being, and the directors in office shall continue to hold office until a new election of directors is made.

**Provision in case election is not held on proper day.**

**10.** In case any vacancy shall occur amongst the directors by death, resignation, disqualification or removal during the current year of office from this Province, such vacancy shall be filled for the remainder of the year by the remaining directors or

or a majority of them electing in such place or places an eligible shareholder or shareholders.

**11.** The directors shall have power and authority to appoint <sup>Appointment of officers.</sup> a manager, secretary and treasurer, and such clerks and other persons as may appear to them necessary for carrying on the business of the company, with such powers and duties, salaries and allowances to each as to the directors may seem advisable, and also shall have power and authority, for the purposes and uses of the company, from time to time to borrow money in one <sup>Borrowing powers.</sup> or more or several sums from one or more or several persons, bodies corporate or politic, willing to lend or advance the same ; and may mortgage, pledge, assign or hypothecate the property, real and personal, works, rates, revenues, income, rents and future calls or any of them, for the money so to be borrowed and the interest thereon, and may issue scrip or debentures in the name of the company for sums not less than one hundred dollars each ; and the same shall be transferable by delivery merely, and shall with the interest payable thereon, if so stipulated in the said scrip or debentures, form a charge on the property and income of the company : Provided always, that <sup>Proviso.</sup> the aggregate amount to be borrowed by the company under the foregoing provisions, and then outstanding, shall not at any one time be in excess of the amount actually paid up on the capital stock and laid out and expended in the construction of the works of the company ; and provided also, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money or as the notes of a bank : Provided also, that the sanction of a general meeting of the shareholders, at which two-thirds are present in person or by proxy, shall first be given before the directors shall exercise the power of borrowing moneys as herein provided.

**12.** The directors shall have power and authority to make <sup>Powers of the directors to make by-laws, &c.</sup> and from time to time to alter such by-laws, rules and regulations to be binding upon the shareholders of the said company as shall appear to them proper and needful, touching the well ordering of the company and the management and disposition of its stock, property, estate and effects ; the calling of special meetings or general meetings of the shareholders ; the regulation of the meetings of directors and all other matters connected with the proper organization of the company, and the conduct and management of the affairs thereof ; the making of calls upon the subscribed capital stock at such days, times and places, and upon such notice as to them shall seem meet and advisable ; the forfeiture of shares upon which any instalment or instalments, call or calls remain unpaid after the days and times respectively appointed for payment thereof have elapsed ; the appointment and removal of officers and other persons employed by or for the company ; the regulation of the transfer of shares and the form thereof, and the empowering of the president or other officer

Proviso.

officer or officers to make contracts on behalf of the company, and to affix (if need be) the common seal of the company to such contracts: Provided always, that all such by-laws, rules and regulations made by the directors aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved of by a resolution duly passed at such meeting, and when so approved they shall thereafter have force and effect as approved or as modified at such meeting, until repealed or amended in manner aforesaid: And provided further, that such by-laws, rules and regulations shall neither contravene the provisions of this Act, nor be inconsistent with the laws of this Province.

Proviso.

**Dividends.** **13.** The directors shall also have power and authority to declare such yearly dividend upon the capital stock of the company as they may deem expedient out of the net profits arising from the undertaking.

Power of company as to roads.

**14.** The company, its servants, agents and workmen, may, after ten days' notice to the warden of any county, or to the mayor of any town or city, or to the reeve of any village or township through or along or across any of the public highways, streets, or allowances for roads of which it proposes to run or lay the pipes or any of them by this Act authorized to be run or laid, of its intention so to run or lay the said pipes, specifying the particular highway, street or road with respect to which the powers of this Act in that behalf are to be exercised, and the mode and manner of executing the same, which must be reasonable and in no way substantially interfering with the public use of the said highways, streets or roads, enter upon any of the said highways, streets and roads, and do all things necessary thereto, and lay down the said pipes and from time to time to renew, repair, amend, maintain and keep the same in a proper state and condition: Provided always, that in the exercise of the powers by this section granted, the company shall in no case interfere with the public use of any such highways, streets or roads, and shall be liable in damages to any individual who shall sustain any special injury in this behalf by reason of the default or negligence of the company in the premises.

Proviso.

Power to acquire lands.

**15.** The company shall have power and authority by its servants, agents and workmen to enter upon any lands of any person or persons, bodies politic or corporate, and survey and ascertain such portions thereof as it shall require for the purposes of the said undertaking, or such powers as it will require to exercise upon or in respect of the same lands for the purposes aforesaid, doing no actual or substantial damage, and when surveyed or ascertained, to contract and agree with the owners and occupiers of such lands for the purchase thereof, or for the exercise of such powers in respect of the same; and in case of disagreement in respect of the sum to be paid for the said lands or for the exercise of such powers in respect of the same, as the case

case may be, the company shall serve upon the owner of or party interested in the said lands, or in the case of an incorporated company upon the president, vice-president, secretary or treasurer or other officer thereof, a notice in writing signed by its secretary, specifying the particular lands proposed to be appropriated, or the powers proposed to be exercised in respect of any lands, particularly specifying both powers and lands, and naming a sum of money which the company offers and is ready to pay as compensation for the lands, or for exercising such powers in respect of the same, as the case may be, and naming a person as arbitrator, in case the sum offered is not accepted as compensation, as aforesaid ; and thereupon the owner or party interested shall, within five days after being served with such notice, notify the company that he accepts the compensation offered (in which case he shall make a deed of conveyance to the company of the lands, or of the right to exercise the powers in respect of lands mentioned in the notice), or that he refuses the compensation offered and that he has named an arbitrator, giving the name ; and the two arbitrators so named shall within five days meet and name a third arbitrator ; and the arbitrators so appointed shall within ten days inspect and take evidence, if offered, on the subject matter in controversy, and make their award in writing thereon, which being signed by two of the said arbitrators shall be final and binding on the parties to the said reference, subject, however, to be set aside or sent back for amendment as in the case of ordinary arbitrations : Provided *Proviso.* always, if the said owner or party interested should not name an arbitrator as required by the provisions of this section, or should the said two arbitrators not agree upon a third arbitrator, or should the said three arbitrators or a majority of them not make their award according to and as required by the provisions in this section in that behalf, then in any of such cases or events it shall be lawful for the company on two days' notice to the said owner or party interested to apply to the judge of the county court in which the subject matter in controversy is situate, who shall thereupon appoint one person as sole arbitrator, whose award of and concerning the premises shall be final and conclusive, subject however to be set aside or remitted back to the said arbitrator to be amended as in ordinary cases of arbitration.

Disputes to be referred to arbitration

**16.** After award made as in the last preceding section provided, and after tender by the company of the amount awarded if any, and a deed of conveyance of the lands or of the powers to be exercised in respect of lands, as the case may be, it shall be lawful for the company to take possession of the said lands, or to exercise the powers in respect of the said lands, as the case may be, the same as though a conveyance had been executed : And the company may register the said award in the registry office of the registration division in which the said lands are situate, and pay the amount awarded into one of the superior courts and file therein a copy of the said award, which shall operate *After award company may take possession of land.*

operate as a conveyance to the company of the lands or the right to exercise the power in respect of lands.

**Costs of the arbitration.**

**17.** In all cases of arbitration, if the sum awarded exceeds the amount offered by the company in the notice in the fifteenth section of this Act mentioned, the company shall pay the costs of the arbitration and award ; if equal to or less than the amount awarded the owners or occupiers shall pay the costs of the arbitration and award ; and in either case the costs shall on notice be taxed by the judge of the county court of the county in which the lands or subject matter of the reference are or is situate.

**Execution of trusts.**

**18.** The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares ; and the receipt of the person in whose name the same shall stand, or of his legal personal representatives in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

**Liability of shareholders.**

**19.** Each shareholder, until the whole amount of the stock has been paid up, shall be individually liable to the creditors of the company, to an amount equal to that not paid up thereon, but shall not be liable therefor to any creditor, before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution, shall, subject to the provisions of the next section be the amount recoverable with costs against such shareholder : Provided that any shareholder may plead, by way of defence in whole or in part, any set off which he could set up against the company, except a claim for unpaid dividend, or a salary, or allowance as a president or director.

**Limited to amount of stock.**

**20.** The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the unpaid amount of their respective shares in the capital stock thereof.

**Liability of directors for wages.**

**21.** The directors of the company shall be jointly and severally liable to the labourers, servants and apprentices thereof, for all debts not exceeding one year's wages, due for services performed for the company whilst they are such directors respectively ; but no director shall be liable to an action therefor unless the company has been sued therefor within one year after the debt became due nor yet unless such director is sued therefor within one year from the time when he ceased to be such director, nor yet before an execution against

against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against the directors.

**22.** The stock of the company shall be deemed personal estate, and shall be transferable in such manner only, and subject to all such conditions and restrictions as by the by-laws of the company shall be prescribed. Stock to be personality.

**23.** Any action or suit brought against the company or against any person acting under its authority, for anything done or omitted to be done under, or under colour of, this Act, shall be commenced within six months after the cause of action or suit arose, and not afterwards, and the defendant may plead the general issue and give this Act and the special matter in evidence under the said plea. Limitation of actions against the company.

## CAP. LXXXII.

An Act to amend the Act incorporating the Port Stanley, Strathroy and Port Franks Railway Company.

[Assented to 10th February, 1876.]

WHEREAS the Port Stanley, Strathroy and Port Franks Preamble. Railway Company was incorporated by an Act of the Legislature of Ontario passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, chaptered fifty-four, intituled "An Act to incorporate the Port Stanley, Strathroy and Port Franks Railway Company; And whereas, the said company was incorporated for the sole purpose of giving railway facilities to the localities mentioned in the third paragraph of the said Act; And whereas, the main object of the said Act was to enable the said localities to connect with railways now in existence, viz., the Grand Trunk Railway, Great Western Railway, and the Canada Southern Railway, which the line of the said railway would intersect and connect with; And whereas, the construction of the said line depends mainly on the aid which may be given by the localities interested in making such connection; And whereas, the different localities along the proposed line of the said railway are not so much interested in the construction of the entire line as in making connection with the said railways, and are desirous of confining their aid to particular sections of the said line, and the said company has found that owing to these causes and to the difficulties which have occurred in railway construction since the passing of the said Act, it is necessary, in order to secure the requisite subscription of capital and to obtain bonuses for

for the construction of the said line, that provision should be made to secure individuals and municipalities from the possible contingency of a failure on the part of the said company to complete the said line in its entirety as originally contemplated; And whereas, the said company is prepared forthwith to commence and to complete a portion of the said line, and are willing to undertake to grant running powers, as well as to afford reasonable traffic facilities to any connecting railways now in existence or which may be constructed; And whereas, the said company has petitioned for certain amendments to its Act of incorporation, and a large section of country would be benefited by granting such amendments;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

38 V., c. 54,  
s. 7, repealed.  
Provisional  
Directors.

**1.** The seventh section of the said Act is hereby repealed, and the following shall be the provisional directors of the company, viz.: George W. Ross, M.P., Peter Graham, M.P.P., R. C. Scatcherd, F. J. Craig, John English, Donald McKenzie Cameron, Lawrence Cleverdon, Thomas Gordon, A. McLaughlin, Captain Batts, John Dalziel, Martin Watson, Jonas Cornell, William Vahey, B. Learn, H. Howe, Donald Cameron, William Murdoch, Saltern Givens Chamberlain, Hugh McColl, A. McEvoy, Alfred H. Kittridge, John Beverly Cummins, of whom nine shall form a quorum.

Division of line  
into Sections.

**2.** It shall be lawful for the said company to divide its line into five sections, one beginning at Port Franks and ending at Widder station on the Grand Trunk Railway; one beginning at Widder station and ending at Arkona; one beginning at Arkona and ending at Strathroy; one beginning at Strathroy and ending at the intersection of its line with the Canada Southern Railway, and the other beginning at that point and ending at Port Stanley.

Applications  
of bonuses.

**3.** The said company may undertake the construction of the said line in sections, and may appropriate any bonuses granted by individuals or municipalities exclusively to any particular section or sections, as the company and such individuals or municipalities may agree upon: Provided always, that any bonuses granted by municipalities shall only be applied and appropriated as specified, and in accordance with the terms and conditions of the by-laws granting the same.

Cancellation of  
subscriptions  
to Stock.

**4.** The subscriptions to the capital stock of the company heretofore made are hereby cancelled: Provided always, that all parties who have already subscribed to the stock of the company shall have the right at their option to subscribe in the new stock books of the company, and all calls or payments made by them on the stock originally subscribed shall be credited to them and considered

considered as payments made on the new stock, and in the event of their not exercising their right or option so to subscribe for the new stock, then they shall be repaid by the company the amount paid by them on their original subscription : And provided also that nothing in this section or in this Act contained shall in any way impair or interfere with the rights of the present creditors of the said company, but that the same shall continue to exist as though this Act had not been passed.

**5.** All parts of the said Act which are inconsistent with this Repeal of Act are repealed, and the said Act as varied by this Act shall <sup>inconsistent enactments.</sup> be taken to apply to the section or sections so undertaken as fully and effectually as if such section or sections had been originally designated as the line of the said railway.

**6.** Section nine in the said Act is hereby amended by striking out the word "two" in the second line and inserting the word "one" in lieu thereof, also by striking out the word "four" in the fourth line in the said ninth section and inserting the word "two" in lieu thereof.

### CAP. LXXXIII.

#### An Act to Incorporate the Prince Arthur's Landing and Kaministiquia Railroad Company.

[*Assented to 10th February, 1876.]*

WHEREAS the construction of a railway from the Village Preamble, of Prince Arthur's Landing, in the District of Algoma, to or to a point near the Town Plot of Fort William, in the said District, to connect with the Canada Pacific Railway at the terminus thereof, or at some point on the Kaministiquia river, has become desirable ; and Thomas Marks and others have petitioned the Legislature of this Province for an Act of incorporation to construct and operate the same :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**1.** Thomas Marks, William Preston, A. A. Clarke, Peter <sup>Incorporation.</sup> Nicholson, G. A. Brown and Robert Maitland, together with such persons and corporations as shall in pursuance of this Act become shareholders in the said Company hereby incorporated, shall become and are hereby declared to be a body corporate and politic by the name of "The Prince Arthur's Landing and <sup>Name.</sup> Kaministiquia Railroad Company."

Certain clauses  
of the Railway  
Act to apply.

**2.** The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway" and "general provisions," shall be incorporated with and be deemed to be part of this Act, and shall apply to the said Company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

Interpretation  
of the words  
"this Act."

Location of  
railway.

**3.** The said Company and their agents or servants shall have full power under this Act to lay out, construct and finish a railway from any point at or near the Village of Prince Arthur's Landing, in the District of Algoma, to the Town Plot of Fort William, in the said District, to connect the said village with the Canada Pacific Railway at the terminus thereof, or at some point on the Kaministiquia river, and with power to construct the said railway in sections; and it shall and may be lawful for the said Company to take and appropriate for the use of their said railway, and the works connected therewith, so much of the land as may be necessary for the works of the said railway, but not to alienate the same, save as hereinafter mentioned.

Construction  
of wharves, &c.

**4.** The said Company shall have full power under this Act to erect and build all such needful piers, wharves, elevators, warehouses, buildings and erections whatsoever as shall be useful and proper for the protection and the accommodation of vessels entering, lying, loading and unloading in the harbour of said village, and for the reception, safe keeping, conveying and forwarding produce, lumber and merchandise free of duty or in bond or otherwise, and for facilitating the interchange of traffic between water-craft and said railway, and to alter, repair and enlarge the same as may be found expedient or necessary; and the said Company and their successors may purchase or lease any lands, tenements and hereditaments useful and necessary for the said purposes, and may in their discretion sell and convey the same.

Capital stock.

**5.** The capital of the Company hereby incorporated shall be one hundred and fifty thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into three thousand shares of fifty dollars each, and shall be raised by the persons and corporations which may become shareholders in such Company, and the money so raised

raised shall be applied in the first place to the payment of the expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway and the purposes of this Act.

**6.** The said Thomas Marks, William Preston, A. A. Clarke, Peter Nicholson, G. A. Brown, Robert Maitland, John Parke and Peter Body, shall be and are hereby constituted a board of provisional directors of the said Company, four of whom shall be a quorum with power to fill vacancies therein; to associate with themselves thereon not more than three other persons, who upon being so named shall become and be provisional directors of the Company equally with themselves; to open stock books, and procure subscriptions for the undertaking; to make calls upon the subscribers; to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors as hereinafter provided, and with all such powers as under the Railway Act, or any other law in force in Ontario, are vested in such boards, and the said provisional directors or a majority of them may in their discretion exclude any person from subscribing who in their judgment would hinder or delay the Company in proceeding with their undertaking under the provisions of this Act.

Provisional  
directors.

**7.** When and so soon as shares to the amount of twenty-five thousand dollars in the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into one of the chartered banks of the Province or of the Dominion, or when and so soon as such subscriptions, together with sums granted by the municipalities either by way of bonus or in the subscription to the capital stock, shall amount to the sum of forty-five thousand dollars, and the debentures granted in payment of such bonus or subscription shall have been deposited in one of the said chartered banks or with the Provincial Treasurer, in the names of trustees as hereinafter provided, the provisional directors, or a majority of them present at a meeting to be duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in a paper published in Prince Arthur's Landing, if such there be, and in the *Ontario Gazette*, of the time, place and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall at the opening of such meeting have paid ten per cent. on the shares subscribed by them, shall elect eight persons to be directors of the said Company in manner, and qualified as hereinafter directed; which said directors, together with *ex officio* directors under the Railway Act or this Act, shall constitute a board of directors, and shall hold office until the first of July in the year following their election.

When meet-  
ing for elec-  
tion of direct-  
ors may be  
called.

Who may vote  
at such  
meeting.

Board of  
Directors.

Sums on debentures to be deposited; application of

**8.** The sums so paid shall not be withdrawn from the bank except for the purposes of this Act, nor shall the debentures so deposited be otherwise applied than to the purposes of the Company as defined in the by-law or agreement between the municipality or municipalities granting the same and the said Company in relation thereto.

Power to limit amount of calls.

**9.** The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice of each call shall be given as provided in section seven.

Directors may accept full payment for stock before final call.

**10.** It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof at the time of subscription, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

Directors may issue stock as paid up stock to make certain payments.

**11.** The directors elected by the shareholders may make or issue stock as paid-up stock, and may pay or agree to pay in such or any paid up stock, or in the bonds of the said Company, such sums as they deem expedient to engineers or contractors, or for right of way, or material, plant, or rolling stock, building or lands; and also when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, works, plant, rolling stock, buildings or lands, whether such promoters or other persons be provisional directors or not.

General meetings.

**12.** The general annual meeting of the shareholders of the said company shall be held at such place in Prince Arthur's Landing, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week for four weeks in one newspaper published at the said Prince Arthur's Landing, if such there be; Provided always that such meeting shall only be called and held between the first day of June and the first day of November.

Special general meetings.

**13.** Special general meetings of the shareholders of the said company may be held at such places, times, and in such manner and for such purposes as may be provided by the by-laws of the said company.

Qualification of directors.

**14.** In the election of directors under this Act, no person shall be elected a director unless he shall be the holder and owner

owner of at least ten shares of the stock of the said company, upon which all calls have been paid ; Provided however that any municipality which has granted, or shall grant, a bonus of not less than five thousand dollars to the said company shall be entitled through its council to name its chairman or other head as director in the company, as the representative of such municipality, and such director shall not require to be a shareholder in the company, and shall continue in office as such director until his successor shall be appointed by such municipality.

**15.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company ; and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

**16.** At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders five members shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director.

**17.** The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, that may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway.

**18.** Any municipal corporation which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained : Provided always that no such aid shall be given, except after the passing of a by-law by the qualified ratepayers of the municipality, as provided in the Municipal Act for the creation of debts.

**19.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :

1. The proper petition shall first be presented to the council expressing the desire to aid the company and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same for the approval of the qualified voters ;

2. In the case of a county municipality the petition shall be that of a majority of the councillors, or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act ;

3. In the case of other municipalities, the petition shall be that

Aliens or  
foreign cor-  
porations may  
be share  
holders.

Quorum of  
directors.

Aid to Railway  
from Govern-  
ment, &c.

Aid from mu-  
nicipalities.

Manner of  
submitting by  
law.

that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

4. For raising the amount so petitioned for by the issue of the debentures of the municipality, payable in twenty years, or by annual instalments of principal with interest, and for the delivery to trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition;

5. For assessing and levying upon all the ratable property within the municipality, an equal annual special rate, as near as may be sufficient to include a sinking fund for the repayment of the debentures, with interest thereon, or for the payment of the said yearly instalments, and interest, said interest to be payable yearly, or half-yearly; which debentures the municipal councils, wardens, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively: Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the said company, or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

If by-law carried,  
council to pass the same,

**20.** In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

and issue  
debentures.

**21.** Within one month after the passing of such by-law the said council and the chairman, or other head officer thereof, shall issue the debentures necessary to raise the sum mentioned in such by-law, and deliver the same to the trustees to be appointed under this Act.

Assessment  
not to exceed  
3 cents on the  
dollar.

**22.** All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levy of a greater annual rate for all purposes exclusive of school rates than three cents on the dollar of the ratable property affected thereby, shall be valid.

Bylaw No. 35  
of the Municipality of  
Shuniah confirmed.

**23.** The by-law passed by the Municipal Council of the Municipality of Shuniah, on the seventh day of October, in the year of our Lord one thousand eight hundred and seventy-five, and intituled "By-law No. 35, authorizing a bonus of thirty-five thousand dollars in aid of a branch railway from Prince Arthur's Landing to terminus of the Canada Pacific Railway," and all debentures issued or that may hereafter be issued under such by-law be, and the same are declared, legal, valid, and binding upon the said municipality, and shall be held to have been good, valid, legal and binding, from the time of the passing of the said by-law upon the said municipality, the several ratepayers therein, and

and whom else it may concern, and the debentures issued or to be issued thereunder may, and shall be delivered to the trustees hereinafter named.

**24.** It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, or by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty years.

**25.** It shall and may be lawful for the council of any municipality that may grant, or has granted, a bonus to the company or the undertaking, and they shall have full power, to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses.

**26.** It shall, and may be lawful, for any municipality interested in securing the construction of the said railway, to grant by way of gift to the said company, any lands belonging to such municipality which may be required for the purposes of the said railway, or the traffic thereof; and the said company shall have power to accept gifts of land from any government, or any person, or any body, politic, or corporate; and shall have power to sell or otherwise dispose of the same, for the benefit of the said company.

**27.** It shall be lawful for the council of any municipality interested in the construction or maintenance of the said railway, and without complying with the requirements of any Act providing for creation of debts by municipal corporations, on behalf of such township or other municipality, to bear all, or part of, the costs, charges, and expenses of, and incidental to the submission of any by-law to the said qualified electors for granting a bonus to the said company, or may give the said company a bonus on account of such costs and expenses.

**28.** Whenever any municipality, shall aid, loan, guarantee, or give money, or bonds, by way of bonus, to aid the construction or maintenance of the said railway, or otherwise to aid the said company, it shall be lawful for the said company to enter into a valid agreement with such municipality, binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the said municipality granting the same.

Laying rails  
on roads.

**29.** It shall, and may be lawful, for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law, or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not, the same be in the possession, or under the control, of any joint stock company, then with the assent of such company; and it shall, and may be lawful, for the said company to enter into, and perform such agreements as they may from time to time deem expedient with any municipality, corporations, or persons, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Municipal de-  
bentures ; de-  
livery to  
trustees.

**30.** Whenever any municipality, shall grant aid by way of bonus or gift to the said company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named—one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the councils of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided if the municipal councils interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the company, then the company shall be at liberty to name such trustee: in the event of the death, resignation, or inability or refusal to act of any trustee, the party who originally appointed such trustees so dying, resigning, or becoming incapable or unwilling to act, may appoint a successor; and in the event of such party failing for two weeks after notice in writing to make such appointment, the company may appoint such trustee.

Trusts of de-  
bentures.

**31.** The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Province or Dominion, in the name of the Prince Arthur's Landing and Kaministiquia Railroad Company Municipal Trust Account, and to pay the same unto the company from time to time on the certificate of the chief engineer of the said company, in the form set out in the schedule B hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheque drawn by the said trustees.

Act of two  
trustees to be  
binding.

**32.** The act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to issue  
preferential  
bonds.

**33.** The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose

pose, shall have power to issue bonds made and signed by the president and vice-president of the said company, and countersigned by the secretary and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first preferential claims and charges upon the undertaking, and the property of the company, real and personal, then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid: Provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: Provided further that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Rights of un-  
paid bond-  
holders.

**34.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Bonds, &c.,  
transferable  
by delivery.

**35.** The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors shall be binding on the said company; and every such note or bill so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such note or bill, nor shall the president or vice-president or the secretary be individually responsible for the same, unless the said notes or bills have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Power to be-  
come parties  
to notes, &c.

**36.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits for car shunting, maintaining or using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway

Power to ac-  
quire whole  
lots, though  
less would  
suffice.

railway is run, the Company can obtain at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto if the same be separated from their railway, and sell and convey the same or part thereof from time to time as they may deem expedient.

Power to  
pledge bonds.

**37.** The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can under the powers of this Act issue for the construction of the said railway.

Power to ac-  
quire vessels.

**38.** The company for the purpose of facilitating the said undertakings and the traffic in connection therewith, shall have power to purchase, build, fit, complete and charter, sell or dispose of, work, control and keep in repair steam tugs, barges, steamboats and other vessels to ply in connection with the said railway or otherwise.

Power to hold  
additional pro-  
perty at the  
extremities of  
the line.

**39.** The said company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon, storehouses, warehouses, engine-houses, and other erections for the uses of the said company, and the same or portion thereof, in their discretion to sell or convey; and also to make use for the purposes of the said railway of the water of any stream or water course at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water course.

Use of  
streams.

Telegraph  
lines.

**40.** For the purpose of constructing, working or projecting the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraphic companies by the Act respecting Electric Telegraph Companies are hereby conferred upon the said company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to such telegraph lines constructed by the said company.

Contracts with  
other com-  
panies.

**41.** The said company shall have power to lease from any equipment company or other body any rolling stock that may be required for use on the said road, and may, with the sanction of two-thirds of the shareholders obtained at a special general meeting called for that purpose, make any contract or agreement with any person or corporation, domestic or foreign.

Power as to  
charges on  
goods coming  
into their pos-  
session.

**42.** The said company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or

or commodities while in their possession and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

**43.** Conveyances of lands to the said company for the purpose of, and powers given by this Act made in the form set out in the Schedule A hereunder, or to the like effect shall be sufficient conveyances to the said company, their successors and assigns of the estate or interest and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the Registry Law of Ontario, and no registrar shall be entitled to demand more than seventy-five cents, for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

**44.** The railway shall be commenced within three years, and finally completed within seven years after the passing of this Act.

Conveyances  
how made.

Commence-  
ment and  
completion of  
Railway.

## SCHEDULE A.

(See Section 43.)

Know all men by these presents, that I, (or We), (*insert also the name of any other person who may be a party*), in consideration of dollars paid to me (*as the case may be*) by the Prince Arthur's Landing and Kaministiquia Railroad Company, the receipt whereof is hereby acknowledged, do grant and convey, and I the said (*name of such other party, and of the wife, if the grantee be married*), do grant and release, or do bar my dower in, (*as the case may be*), all that certain parcel (or those certain parcels *as the case may be*), of land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said the Prince Arthur's Landing and Kaministiquia Railroad Company, their successors and assigns.

As witness my (or our) hand and seal (or hands and seals this day of , one thousand eight hundred and )

Signed, sealed and delivered }  
in presence of }

[L.S.]

## SCHEDULE

## SCHEDULE B.

(See Section 31.)

*Chief Engineer's Certificate.*

PRINCE ARTHUR'S LANDING AND KAMINISTIQUIA RAILROAD COMPANY'S OFFICE.

No.	<i>Engineer's Department,</i>	187
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Certificate to be attached to cheques drawn on the Prince Arthur's Landing and Kaministiquia Railroad Company Municipal Trust Account given under Section \_\_\_\_\_ of cap. Victoria

I, A. B., Chief Engineer for the Prince Arthur's Landing and Kaministiquia Railroad Company do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law, No. \_\_\_\_\_ of the Township of \_\_\_\_\_ (or under the agreement dated the day of \_\_\_\_\_ between the Corporation of and the said company), to entitle the said company to receive from the said trust the sum of \_\_\_\_\_ (*here set out the terms and conditions if any, which have been fulfilled*).

*Chief Engineer.*

## CAP. LXXXIV.

## An Act respecting the Streetsville and Port Credit Junction Railway.

[Assented to 10th February, 1876.]

## Preamble.

WHEREAS the Streetsville and Port Credit Junction Railway Company has by its petition prayed for an extension of the time limited by the Acts relating to the said company for the commencement and completion of the said railway, and for other purposes:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for commencement and completion of Railway extended.

**I.** The periods limited by the Acts relating to the Streetsville and Port Credit Junction Railway Company for the commencement and completion of the said railway are hereby respectively extended, each for a further period of three years.

CAP.

## CAP. LXXXV.

An Act to amend "An Act to incorporate the Yorkville Loop Line Railway Company."

[Assented to 10th February, 1876.]

**W**HEREAS the Yorkville Loop Line Railway Company Preamble. have by their Petition prayed for certain amendments of their charter, and for an extension of time for the commencement and the completion of the construction of the said Railway:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The thirty-fourth section of the Act passed in the thirty-six V., c. 77, sixth year of the reign of Her Majesty Queen Victoria, chaptered s. 34, repealed seventy-seven, is hereby repealed, and the time for the commencement of the construction of the said Railway is extended for three years from the passing of this Act, and the time for the completion of the said Railway is extended for five years from the passing of this Act.

**2.** The sixth section of the said Act is hereby amended by Sec. 6, amending Robert C. Turner as one of the Provisional Directors of ed. the said Company.

## CAP. LXXXVI.

An Act to incorporate the Belleville Street Railway Company.

[Assented to 10th February, 1876.]

**W**HEREAS certain persons have, by their Petition, prayed Preamble. that they may be incorporated under the title of "The Belleville Street Railway Company" for the purpose of constructing and operating street railways in the Town of Belleville, and the municipalities adjoining: And whereas, it is expedient to grant the prayer of the Petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** George Dennis Morse, James Lickie Morrison, Charley Incorporation. Morse, John Taylor, William Morse and William Monahan, and such other persons as shall hereafter become shareholders of the said

said Company, are hereby constituted a body corporate and politic under the name of "The Belleville Street Railway Company."

**Capital Stock.** **2.** The capital stock of the Company shall be fifty thousand dollars in five hundred shares of one hundred dollars each.

Commencement and completion of Railway.

**3.** The Company may begin to exercise the powers hereby granted as soon as ten thousand dollars of the capital stock shall be subscribed, and ten per centum thereon paid up; but the Company shall commence the construction of the said Railway within one year from the passing of this Act, and shall commence to run cars upon said railway and work and operate said railway in good running order within three years from the passing of this Act, otherwise this Act to be void and of none effect.

Provisional Directors.

**4.** George Dennis Morse, James Lickie Morrison, Charley Morse, John Taylor, William Morse and William Monahan shall be Provisional Directors of said Company to obtain subscriptions for stock and organize said Company and shall hold office until the election of Directors as hereafter provided for.

Meeting for the election of Directors.

**5.** So soon as ten thousand dollars of the capital stock has been subscribed and ten per centum thereon paid up, the shareholders shall proceed to the election of a Board of Directors for the said Company, and the Provisional Directors, or a majority of them, shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof by advertisement in some newspaper published in the Town of Belleville.

Board of Directors.

**6.** The Board of Directors shall consist of six Directors to be determined at the meeting to be held as provided for in the preceding section, each of whom shall be a shareholder of not less than five hundred dollars; such election and every question voted on at such meeting shall be decided by ballot by a majority of votes of the stockholders (who shall have paid all calls made upon the stock held by them) present in person or represented by written proxy, each share to have one vote; the Directors so chosen shall immediately elect one of their own number to be President, and another to be Vice-President, which President, Vice-President and Directors shall continue in office for one year, and until others shall be chosen to fill their places, as may be provided by the by-laws of the said Company; and if any vacancy shall at any time happen by death, resignation or otherwise during said year in the office of President, Vice-President or Directors, the remaining Directors shall supply such vacancy for the remainder of the year: and the election of Directors shall take place annually either on the anniversary of the day of the first election of Directors or such other day as may be fixed by by-law, as hereinafter mentioned.

President.

Vacancies in Board.

**7.** The Company are hereby authorized and empowered to construct, complete, maintain and operate a double or single iron track railway with the necessary side-tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along such streets and highways within the jurisdiction of the Corporation of the Town of Belleville, and of any of the adjoining municipalities, as the Company may be authorized to pass along, under and subject to any agreement hereafter to be made between the said councils of the said town and of the said municipalities respectively and the said Company, and under and subject to any by-laws of the said corporation of the said town and municipalities respectively, or any of them made in pursuance thereof, and to take, transfer and carry passengers and freight upon the same, by the force or power of animals or such other motive power as may be authorized by the council of said town and municipalities respectively by by-law; to use and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith.

**8.** The Directors shall have full power to make all by-laws and regulations for the management of the Company; the acquirement, management and disposition of its stock, property and effects and of its affairs and business; the management and collection of cash on its stock, and forfeiture thereof for nonpayment; the entering into arrangements and contracts with said town or municipalities; the declaration and payment of dividends out of the profits of the said Company; the form and issuing of stock certificates and the transfer of shares; the calling of general and other meetings of the Company; the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the Company; the fares to be received from persons and freight transported over said railway or any part thereof, and in general to do all things that may be necessary to carry out the objects and the exercise of the powers incident to the Company: Provided that the fare shall not exceed for each passenger five cents for carriage for any distance not more than three miles, within the limits of the Town of Belleville and one cent additional per mile over three miles; the return ride to be charged for separately, and children under ten years of age to be carried the said three miles for three cents, and children in arms free.

**9.** The stock of said Company shall be deemed personal estate, and shall be transferable in such way as the Directors shall, by by-law, direct. Stock to be personally.

**10.** The Company may purchase, lease, hold or acquire, and transfer any real or personal estate necessary for carrying on the operations of the Company. Power to hold land.

**11.** The Company may substitute sleighs for railway carriages, during the winter months upon the road of their railway. Sleights.

Fares.

**12.** The above mentioned rates of fare shall be due and payable by every passenger on entering the car or sleigh, and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car or sleigh, shall be liable to a fine of not less than one nor more than twenty dollars, recoverable upon conviction before any Justice of the Peace having jurisdiction, and upon default of said fine and all costs, forthwith to imprisonment in the common gaol for a period of not more than thirty days.

Rails.

**13.** The rails of said Company shall be laid so as to cause the least inconvenience possible to general traffic consistent with the proper working of said Company, and flush with the street which shall be kept in proper repair, between and for eighteen inches on each side of said rails by and at the expense of said Company.

Increase of Capital.

**24.** The Directors may from time to time increase the capital stock of said Company for such amount or amounts as occasion may require, and also raise or borrow for the purpose of the Company, any sum or sums not exceeding in the whole at any time the actual amount of the capital stock, *bona fide* subscribed and paid up by the issue of bonds or debentures in such sums of not less than one hundred dollars on such terms, and credit as they may think proper, and may thereby pledge or mortgage all the property, tolls and income of the Company or any part thereof, as may be expressed upon the face of any bond or debenture for the repayment of the moneys so raised, or borrowed, and the interest thereon: Provided always that the consent of two-thirds in value of the stockholders of the Company present or represented by proxy, or a special meeting to be called and held for either or both of the purposes aforesaid, shall be first had and obtained: Provided always that the notice of the holding of such meeting shall be given in some newspaper published in the Town of Belleville, at least two weeks previous to the holding of such meeting.

Liability of Stockholders.

**15.** No stockholder shall be personally liable for the promises, contracts, debts, undertakings, costs or liabilities of said Company, beyond the amount remaining unpaid upon stock held by him, and to that extent only after the other assets, if any, of said Company shall be realized upon.

Agreements with Municipalities.

**16.** The council of the said town and of any of the said adjoining municipalities or any of them, and the said Company are hereby respectively authorized to make and to enter into any agreements or covenants relating to the construction of the said railway for the paving, macadamizing, repairing and grading of the streets and highways, and the construction, opening of and repairing of drains and sewers and the laying of gas and waterpipes in said streets and highways, the location of the railway and the particular streets along which the same shall be

be laid, the patterns of rails, the number of tracks, the time and speed of running the cars, the time within which the road shall be commenced and the time of completion, and generally for the safety and convenience of passengers, the conduct of the agents and servants of the Company, and the non-obstructing or impeding of the ordinary traffic, provided that the powers contained in this Act shall remain in abeyance until the agreements hereinbefore in this clause mentioned shall have been entered into and made by and between the several parties hereinbefore mentioned.

**17.** The said town and the said municipalities are hereby authorized to pass any by-law or by-laws and to amend, repeal or enact the same for the purpose of carrying into effect any such agreement or covenants and containing all such necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the Company, and for enjoining obedience thereto, and also for the facilitating the running of the Company's cars and sleighs and for regulating the traffic and conduct of all parties travelling upon the streets and highways through which the said railway may pass.

Power to Municipalities to pass by-laws for carrying agreements with Company into effect.

## CAP. LXXXVII.

### An Act to incorporate the Hamilton and Dundas Street Railway Company.

[Assented to 10th February, 1876.]

WHEREAS Joseph Cline, William Bamberger, J. J. Bow-  
man, James Chegwin, A. S. Wink, B. B. Osler, J. S.  
Garrett, William Fitzgerald and others, have by their petition  
prayed for an Act of incorporation under the name of the "Ham-  
ilton and Dundas Street Railway Company" for the purpose of  
constructing and operating a street railway from the westerly  
limits of the City of Hamilton, or some point within the  
said city, to any part of the Town of Dundas; And whereas, it is  
expedient to grant the prayer of the petitioners:

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

**1.** The said Joseph Cline, William Bamberger, J. J. Bow-  
man, James Chegwin, A. S. Wink, B. B. Osler, J. S. Garrett  
and William Fitzgerald, and such other persons as shall hereafter  
become shareholders of the said company are hereby constitut-  
ed a body corporate and politic under the name of "The Ham-  
ilton and Dundas Street Railway Company."  
Name.

- Capital.      **2.** The capital stock of the company shall be twenty-five thousand dollars in shares of fifty dollars each.
- Provisional Directors.      **3.** The petitioners shall be provisional directors of said company to obtain subscriptions for stock and organize said company, and shall hold office until the election of directors, as hereinafter provided for.
- Election of Directors.      **4.** So soon as ten thousand dollars of the capital stock has been subscribed and twenty per centum thereon paid up the shareholders shall proceed to the election of a board of directors for the said company, and the provisional directors or a majority of them shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof by circular sent by post to the then shareholders.
- Directors.      **5.** The board of directors shall consist of seven shareholders, each of whom shall own not less than five hundred dollars of subscribed stock, and four directors shall form a quorum; and after the first election shall be elected on the first Tuesday of February in each year at the office of the company, and all elections shall be by ballot by the majority of the votes of stockholders present; each share shall have one vote, and stockholders not personally attending may vote by proxy, and the directors so chosen shall, as soon as may be, elect one of their number to be president, and directors shall continue in office one year, and until others shall be chosen to fill their places, and if any vacancy shall at any one time occur in the office of president or director, the remaining directors shall fill up such vacancy for the remainder of the term.
- President.      **6.** So soon as stock to the amount aforesaid shall have been subscribed and twenty per centum thereof paid up, and the said board shall have been elected in manner aforesaid, the company may commence operations and exercise the powers hereby granted, but the company shall commence operations within two years from the passing of this Act.
- Commencement of operations.      **7.** The company are hereby authorized and empowered to construct, maintain, complete and operate a double or single iron railway, with the necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along such portions of the streets and highways within the limits of the City of Hamilton, as may be authorized by by-law of the said City, and also along the streets and highways of the Townships of Barton, Ancaster and West Flamborough, and the Town of Dundas, and upon and along and over any private property in the said municipalities of Barton, Ancaster and West Flamborough, under and subject, as to such streets and highways, to any agreement hereafter to be made between the company and the said municipalities respectively or of any of them, and under and subject to any by-law or by-laws

by-laws of the council or councils of the said municipalities passed in pursuance thereof, and subject, as to the right to take such private property, mode of taking, and compensation to be made therefor and damages sustained thereby, to the clauses of the Dominion statute known as the Railway Act of 1868, and to take, transport and carry passengers, freight, express and mail matter upon the same, by the force or power of animals or such other motive power as they may be authorized by the councils of the respective municipalities by by-law to use; and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith.

**8.** The directors shall have full power to make all by-laws for the management of the company, the acquirement, management and disposition of its stock, property and effects, and of its affairs and business; the making and collection of calls on its stocks, and forfeiture thereof for nonpayment; the entering into arrangements and contracts with the said municipalities; the declaration and payment of dividends out of the profits of the said company; the form of issuing stock certificates and the transfer of shares; the calling of special and general meetings of the company; the appointment, removal and remuneration of all officers, clerks, workmen and servants of the company; the fares to be received from passengers and freight transported over the railway or any part thereof; the intervals of time in running each car; the time within which in each day the cars shall be run; the speed of running the same, and in general to do all things that may be necessary to carry out the objects and the exercise of any powers incident to the company: Provided always, that the fares shall not exceed for each passenger five cents for any distance within the limits of the City of Hamilton and the said Town of Dundas respectively, and twenty cents for any distance from any point within either of the said limits to the other or to any point outside the said limits of either of them: Provided also that the said company may charge such rates as may be agreed on for special cars or for carrying passengers between the hours of eight o'clock in the afternoon and seven o'clock in the forenoon.

By-laws may  
be enacted for  
certain pur-  
poses.

Rates.

**9.** The stock of the said company shall be deemed personal Stock to be estate and shall be transferable in such way as the directors personality. shall by by-law direct.

**10.** The company may purchase, lease, hold, or acquire and transfer any real or personal estate necessary for carrying on the operations of the company.

Estate of the  
Company.

**11.** If the election of directors be not made on the day appointed by this Act the company shall not for that reason be dissolved, but the stockholders may hold the election on any other day, in the manner provided for by any by-law passed by the directors for that purpose, and all acts of the directors until their

Failure to elect  
Directors.

their successors are appointed shall be valid and binding upon the company.

Increase of capital.

Borrowing powers.

**12.** The directors of the company may from time to time increase the capital of the said company for such amount or amounts as occasion may require, and also raise or borrow for the purposes of the company, any sum or sums, not exceeding in the whole at any time the actual amount of capital stock *bona fide* subscribed and paid up by the issue of bonds or debentures in sums of not less than one hundred dollars, on such terms and credit as they may think proper, and may pledge or mortgage all the property, tolls and income of the company or any part thereof for the repayment of the moneys so raised or borrowed and the interest thereon : Provided always that the consent of two thirds in value of the stockholders of the company present or represented by proxy at said meeting shall be first had and obtained at a special meeting to be called and held for either or other of the purposes aforesaid.

Arrangements with Municipalities,

**13.** The councils of the said municipalities or any or either of them and the said company are respectively hereby authorized to make and to enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways; the construction, opening and repairing of drains and sewers; the laying of gas and water pipes in the said streets and highways ; the location of the railway and the particular streets along which the same may be laid ; the pattern of the rail ; the time and speed of running of the cars ; the time within which the works are to be commenced ; the manner of proceeding with the same, and the time for completion ; and generally for the safety and convenience of the passengers, the conduct of the agents and servants of the company, and the impeding, the non-impeding or obstructing of the ordinary traffic.

to be made by by-law

**14.** The said municipalities or any or either of them are hereby authorized to pass any by-law or by-laws and to amend, repeal or enact the same, for the purpose of carrying into effect any such agreements or covenants, and containing all such necessary clauses, provisions, rules and regulations for the conduct of all parties concerned as may be agreed on between the said company and the said municipalities respectively.

Sleighs may be substituted for cars.

**15.** The company may substitute sleighs for carriages or cars during the winter months upon the route of their railway.

Fares, when payable.

**16.** The fares shall be due and payable by every passenger on entering the car or sleigh ; and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car or sleigh, shall be liable to a fine of not less than one nor more than twenty dollars, recoverable upon conviction before any justice of the peace having jurisdiction, and upon

upon default of said fine and all costs forthwith to imprisonment in the common gaol for a period of not more than thirty days.

**17.** The rails of the railway shall be laid flush with the streets Rails, and highways, and the railway track, when on the graded part of the road, shall conform to the grades of the same so as to offer the least possible impediment to the ordinary traffic of the said streets and highways, and so far as the said railway is constructed upon the highway all other ordinary vehicles shall be permitted to use and travel in the said tracks provided they do not interfere with or impede the running of the cars or sleighs of the company, and in all cases any carriage or vehicle in the Right of way track shall immediately give place to the cars, sleighs or other in tracks. conveyance of the company by running off the track.

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## CAP. LXXXVIII.

### An Act to amend the Act incorporating the Hamilton Gas Light Company.

[Assented to 10th February, 1876.]

**W**HHEREAS the Hamilton Gas Light Company have by Preamble. their petition set forth that, owing to the increase in the size and population of the City of Hamilton, they will require to extend their works, and for that purpose more capital is required than is authorized by the Act incorporating the said Company, intituled "An Act to incorporate the Hamilton Gas Light Company," passed in the Session held in the thirteenth and fourteenth years of the reign of Her Majesty Queen Victoria, and chaptered one hundred and thirty-six; and they have prayed that power to issue additional capital may be granted, and that the said Act may be otherwise amended as hereinafter set forth; and it is expedient that the prayer of such petition be granted:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The directors of the said company may from time to time, Increase of by a by-law or by-laws to be passed for that purpose, increase Capital. the capital of the said company to such amount or amounts as occasion may require for the purposes for which they are incorporated: Provided always, that the consent of three-fourths in value of the stockholders of the company, present or represented by proxy at a special meeting to be called and held for that purpose, shall be first had and obtained, and that the total capital stock of the said company shall not exceed six hundred thousand dollars.

Provisions of  
Act of Incorporation  
to apply to the  
issue of new Stock.

Annual meetings.

**2.** All the provisions of the said Act incorporating the said company, in regard to the issue, calls, sales, forfeiture, management and disposal of the stock thereby authorized to be issued, shall apply to the stock by this Act authorized to be issued in the same way and manner as to the stock authorized by the said Act incorporating the said company.

**3.** The directors of the said company may by by-law from time to time alter the day of holding the annual meetings of said company: Provided always that the consent of three-fourths in value of the stockholders of the company, present or represented by proxy at a special meeting to be called and held for that purpose, shall be first had and obtained.

## CAP. LXXXIX.

### An Act to amend the Act to incorporate "The Gatling Gold and Silver Mining Company."

[Assented to 10th February, 1876.]

Preamble.

WHEREAS the Gatling Gold and Silver Mining Company have petitioned that their Act of incorporation, being chapter one hundred and nine of the Statutes of Ontario, passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, may be amended and explained, and it is expedient to grant the same:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

<sup>36 Vic., c. 109,</sup> <sup>s. 8, amended.</sup> **1.** The eighth section of the said Act be and the same is hereby amended by erasing the word "three" in the sixth line of the said section, and substituting therefor the word "four;" and by erasing from the seventh and eighth lines of said section the words "one of whom being the President or Vice-President."

Sec. 15, amend-  
ed.

**2.** The fifteenth section of the said Act be and the same is hereby amended by erasing the word "twenty" in the last line of the said section, and substituting therefor the word "seventy."

Sale or lease  
of Company's  
lands.

**3.** No sale, lease or disposal of any of the lands or mineral rights of or belonging to the said company shall be made or be valid unless in addition to all other consents now required the consent thereto of the majority in value of the shareholders of said company be first obtained at an annual meeting of the company, or at a special meeting duly called for that purpose, and so stated in the notices calling such meeting.

Sale of Com-  
pany's Stock  
by Directors.

**4.** The directors of the said company may by resolution or by-law,

by-law, with the sanction and consent of the majority in number and value of the stockholders of said company given at any annual or special meeting duly called for that purpose, and so stated in the notices calling such meeting, offer for sale and sell by tender or otherwise, or receive subscriptions for any stock in or of and belonging to the said company, and for such amounts, prices or sums at, above or below par as the directors may by resolution advise.

## CAP. XC.

An Act to reduce the amount of the Shares of the Thunder Bay Silver Mining Company and to enable the Company to issue preferential Shares.

[Assented to 10th February, 1876.]

**W**HEREAS the Thunder Bay Silver Mining Company is a *Preamble*.  
Company duly incorporated by a charter granted under the Great Seal of the Province of Ontario, on the second day of June, in the year of our Lord one thousand eight hundred and sixty-eight, and under the provisions of an Act of the Parliament of the late Province of Canada, passed in the session thereof held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, and intituled "An Act to authorize the granting of Charters of Incorporation to manufacturing, mining and other Companies," with a nominal capital stock of four hundred thousand dollars, divided into eighty thousand shares of five dollars for each share: And whereas the Company has by petition stated that it is desirous of reducing the nominal amount of the shares of the Company from five dollars to three dollars each, and to amend the said charter of incorporation in other respects: And whereas it is expedient that such prayer be granted:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Notwithstanding anything in the said charter of Incorporation contained, the nominal amount of each share of the capital stock of the Company shall be and the same is hereby declared to be three dollars, instead of five dollars.

**2.** Each share already issued, on which the sum of three dollars has been paid, shall be held and is hereby declared to be paid up in full.

**4.** Every shareholder who has paid more than three dollars on any share shall be held and is hereby declared to have abandoned all claim for or on account of the amount paid in excess of that sum.

Preferential stock.

**4.** The Company may in addition to the capital stock of four hundred thousand dollars provided by the Charter of Incorporation, create and issue at par preference stock to an amount not exceeding one hundred and fifty thousand dollars, in shares of three dollars each.

Dividends on preferential stock.

**5.** The holders of preference stock shall be entitled to receive in each year a dividend or dividends on the same at a rate not exceeding ten per centum out of the profits of the Company for such year, if the said profits shall be sufficient for that purpose; or if insufficient, then at as high a rate as the profits of the year will allow: Provided always, that in case the profits of any year shall be insufficient to pay a dividend or dividends at the rate of ten per centum for that year on the preference stock, the holders of the same shall have no claim on the Company or its assets for the deficiency, nor shall the same be a charge upon or be payable out of the profits of any subsequent year.

Dividends on ordinary stock.

**6.** The holders of ordinary stock shall receive a dividend on the same in any year only after the payment of ten per centum for that year on the preference stock.

Stockholders to have the refusal of the preference stock.

**7.** The preference stock hereby authorized to be issued shall be offered in the first place to the holders of ordinary stock, who shall be entitled to subscribe for and take an equal *pro rata* number of preference shares, in proportion to the number of shares of ordinary stock held by them respectively.

Rights of creditors.

**8.** Nothing in this Act contained shall affect or impair the rights or remedies of any creditor of the said company against any of the shareholders thereof; in respect of any debt or liability heretofore incurred or contracted.

## CAP. XCI.

An Act to amend the Act passed in the thirty-eighth year of Her present Majesty's reign, chaptered sixty-seven, intituled "An Act to incorporate the Canada Fire and Marine Insurance Company."

[Assented to 10th February, 1876.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Change of name.

**1.** On and after the thirty-first day of July, one thousand eight hundred and seventy-six, if the said company shall continue to do business under the authority of this Legislature, its name shall be changed to the "Hamilton Fire and Marine Insurance Company."

CAP.

## CAP. XCII.

## An Act to incorporate the Home Fire Insurance Company of Ontario.

[Assented to 10th February, 1876.]

**W**HEREAS William Elliott, William H. Dunspaugh, R. Preamble. H. Grey, James Watson, John Bain and W.J. Shaw and others, of the City of Toronto, Esquires, have petitioned the Legislature of the Province of Ontario that a company be incorporated under the name of "The Home Fire Insurance Company of Ontario," for the purpose of carrying on the business of Fire Insurance, and insuring property against damage or injury from fire, explosion or any other cause of injury, damage or loss, and re-insuring property, real or personal, insured by any other person or company, and it is expedient to grant their prayer:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The persons hereinbefore mentioned, after having complied with the requirements of this Act as to subscription of stock, and such persons as now are or hereafter shall become shareholders of the said company, shall be and are hereby created, constituted and declared to be a body corporate and politic, in law and fact, by the name of "The Home Fire Insurance Company of Ontario," for the purpose of carrying on the business of Fire Insurance and all things appertaining thereto or connected therewith, in the Province of Ontario, and shall have and may have perpetual succession, and shall be capable in law of contracting and being contracted with, and suing and being sued, pleading and being impleaded in any court of law or equity in the Province of Ontario, in their corporate name aforesaid, and they and their successors shall have a common seal, and may change the same at their will and pleasure.

**2.** The stock of the company shall be two hundred and fifty thousand dollars, divided into five thousand shares of fifty dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided that the board of directors may by a vote of the shareholders at any special meeting called for that purpose increase the amount of the capital stock at any time, or from time to time, to an amount not exceeding in the whole one million dollars, but no subscription to stock shall be legal or valid until ten per centum shall have been actually and *bona fide* paid thereon, into one or more of the chartered banks of this Province, to be designated by the directors, and not to be withdrawn therefrom except for the purposes of the company.

**Liability of stock subscribers.**

**3.** None of the persons or bodies corporate who may subscribe for stock shall be liable for any further sum than the unpaid amount upon the stock subscribed for; and the shares shall be deemed personal estate.

**Provisional Directors,**

**4.** Until the first annual election, hereafter provided for, the Provisional Board of Directors shall consist of William Elliott, William H. Dunspaugh, R. H. Grey, James Watson, John Bain and W. J. Shaw.

**their powers.**

**5.** The provisional board of directors shall have power to open stock-books at such places as they may direct, and to keep the same open so long as they deem it necessary, and the number of directors shall continue to be six until at a general meeting of the shareholders their number be increased or decreased, but their number shall not be more than fifteen nor less than five.

**Meeting to elect Directors.**

**6.** When one hundred thousand dollars of the capital stock is subscribed, and ten thousand dollars paid in, the provisional directors shall, by advertisement in one paper published in the City of Toronto and in the *Ontario Gazette*, call a meeting of the shareholders to elect a board of directors to manage the affairs of the said company under this Act.

**Power of Directors.**

**7.** The board of directors shall have full power and authority to make, and from time to time to alter, by-laws, rules, regulations and ordinances, as shall appear to them proper and needful, touching the well ordering of the Company; the management and disposition of stock, property, estate and effects; the calling of special general meetings, the regulation of the meetings of the board of directors, the increasing or decreasing of the number of directors, the increasing of the capital stock, the appointment of a managing director and of local boards to facilitate the details of business, and the definitions of the duties and powers of such local boards; the making of calls on the subscribed capital, the issue and allotment of shares, the appointment and removal of officers and agents of the company; the regulation of their powers, duties, and the remuneration to be paid to them; the regulation of the transfer of stock, and the form thereof; the forfeiture of stock and the disposition of the same, and the proceeds thereof, and the surplus derived from the same; and the establishment and regulation of agencies, the determining of rates, rules and conditions under which the company's policies shall be issued, transferred or repurchased, and to do all such acts or things as may be requisite for the good management of the company's affairs; and at all meetings of the directors three members of the board shall be a quorum, and all questions before them shall be decided by a majority of votes, and in case of an equality of votes the president, vice-president or presiding director shall give the casting vote in addition to his vote as director: Provided always, that

that no person shall be eligible to be or continue as a director unless he hold, in his own name and for his own use stock in the said company to the amount of forty shares, or a local director unless he hold twenty shares of the capital stock of the company in his own name and for his own use, whereof at least ten per centum shall have been paid in, and shall have paid all calls made upon his stock, and all liability actually matured and incurred by him with the company.

**8.** No policies shall be issued until twenty thousand dollars Issue of policies. of the capital stock are actually paid in. The company may Real estate. hold such real estate not exceeding the annual value of five thousand dollars as is required for offices, and such other estate as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered: Provided that all such last-mentioned real estate shall be sold within five years from the time of its becoming the absolute property of the company.

**9.** The directors of the company, at a meeting held for Dividends. such purpose, may declare such annual or semi-annual dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends; and also may by resolution order that the holders of policies shall be paid such portion of the actual realized profits, in such proportions, at such times and in such manner as the said directors may think proper, and may enter into obligations to do so either by endorsement on their policies or otherwise: Provided always that the holders of policies so participating in the profits shall not be in anywise answerable or responsible for the debts of the said company.

**10.** The shares of the company shall be transferable by the Transfer shares. parties holding the same, according to the by-laws of the company, but no share shall be transferred until all calls thereon are paid, and the transmission of interest in any share in the stock of the company, in consequence of the marriage, insolvency or death of the shareholder, or by any other means than the ordinary transfer, shall be proved and regulated in such form as the board may from time to time direct; and in any action for the recovery of calls or arrears of calls it shall be sufficient for the company to allege and prove that the defendant, being an owner of shares therein, according to the books of the company, is indebted to the company in respect of so many shares in the sum due, and at the trial it shall only be necessary to prove that the defendant was owner of such shares, and that the call was duly made according to the by-laws or rules of the company.

**11.** A copy of any by-law, rule, regulation or minute, or of Evidence of by-laws, &c. any entry in any book of the company, [certified to be a true copy or extract under the hand of the president, vice-president or

or managing director or secretary of the company, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry, without further proof thereof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

**Company not bound to see to the execution of trusts.**

**12.** The company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of the stock may be subject, or to which any policy or policies shall be subject; and the receipt of the person in whose name any share stands, or by whom any policy or policies appear to be held in the book, shall be sufficient discharge to the company for any money paid in respect of such share or shares, or policy or policies, notwithstanding any trust to which they or any of them may be held subject, and whether or not the company shall have notice of such trust.

**Head office.**

**11.** The head office of the company shall be in the City of Toronto, or elsewhere in the Province of Ontario, as may be determined by the shareholders.

**General meeting of shareholders.**

**14.** Until otherwise determined by the board, the books of the company shall be annually balanced as at the thirty-first day of December: once in each year, and within three months from the first day of January, a general meeting of shareholders shall be called by the board, at which a full statement of the company's affairs shall be submitted, and ten days' notice of such meeting shall be given by advertisement in one newspaper at the place where the head office is, and also by two insertions in the *Ontario Gazette*.

**Votes.**

**Representation of corporations.**

**15.** At such general meeting, shareholders shall have one vote for each share on which all calls are paid, and votes may be cast in person or by proxy; the shareholders shall, at such meeting, appoint directors by ballot unless the election is unanimous, but all other proceedings shall be determined by open vote, but the company shall not be dissolved by failure to elect directors as above: Corporations holding stock in the company may be represented by their executive officers; and the shareholders at the general annual meeting shall decide the remuneration to be paid to the directors, president and vice-president.

**Special meetings of shareholders.**

**16.** Special meetings of shareholders may be called by the directors, or on the requisition of shareholders holding one-fourth of the company's stock; and ten days' notice of such special meetings, stating the objects for which they are called, shall be sent to each shareholder by mail; and lists of the shareholders shall be at all times accessible to any of them.

**Penalty for paying divi-**

**17.** If the directors of the company declare and pay any dividend

dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the capital stock thereof, the directors declaring such dividend shall be jointly and severally liable as well to the company as to the individual shareholders and creditors thereof, for the amount of the dividend or dividends so paid ; but if any director present when such dividend is declared, do forthwith, or if any director then absent do, within twenty-four hours after he shall have become aware thereof and able to do so, enter in the minutes of the board of directors his protest against the same, and do within eight days thereafter, publish such protest in at least one newspaper, published at or as near as may be possible to the head office of the company, such director may thereby and not otherwise, exonerate himself from such liability.

**18.** The directors of the said company shall make and furnish Returns to the to the Lieutenant-Governor and to the Legislative Assembly of Legislature, the Province of Ontario during the first fifteen days of the first session in each and every year, a full and unreserved statement of the affairs of the said company, and of its funds, property and securities, to be verified upon oath, showing :—

1. Amount of premiums received during the year on risks effected, less twenty-five per cent., and the net amount of losses actually paid.
2. Assets of the company.
3. Liabilities of the company.
4. Amount of capital stock.
5. Amount paid thereon.
6. Of what the assets of the company consist. (State particulars.)
7. Amount of losses paid during the year.
8. Amount of losses due and unpaid.
9. Losses adjusted and not due.
10. Losses in suspense and awaiting for further proof.
11. Losses, the payment of which is resisted, and for what cause.
12. All other claims against the company.
13. Amount of premiums earned during the year.
14. Amount of premiums unearned.
15. Amount of risk on total policies in force.

**19.** The Lieutenant-Governor in Council, whenever he shall deem it expedient, may appoint any one or more qualified persons, not being officers of any other Fire Insurance Company, to examine into the affairs of the said company ; and it shall be the duty of the officers or agents of said company to cause their books to be opened for the inspection of the person or persons so appointed, and otherwise to facilitate such examinations ; and for that purpose such person or persons shall have power to examine under oath such officers and agents ; and whenever it shall appear from such examination that the assets and financial position of said company are such as not to justify the continuation

Lt.-Governor in Council  
may appoint  
persons to examine into the  
affairs of the  
Company.

**Proceedings to close company if its affairs are in an unsatisfactory condition**

uance in business of the company, the Attorney-General may apply, in a summary manner, on motion to one of the superior courts of law or equity, for an order requiring said company to shew cause why the business of the company should not be closed; and the court shall thereupon proceed to hear the allegations, and proofs of the respective parties, and in case it shall appear to the satisfaction of the court that the assets and funds of the company are not sufficient as aforesaid, or that the interests of the public so require, the said court shall decree a dissolution of said company's affairs, and may appoint a receiver, and take possession of, collect and get in the assets and effects of the said company, and otherwise to wind up the affairs thereof.

**Powers and rights of the receiver appointed by the court.**

**20.** Such receiver shall have the power, under the authority of the court appointing him, to make all such calls on the shares of the said company as may be necessary to pay its debts and claims against it, as the directors would have authority to make; and the notice of such calls may be given in the same manner as is hereinbefore provided; and the said receiver shall have the like rights and remedies upon and in consequence of the non-payment of such calls as are given to the company or the directors thereof; and such receiver may receive a surrender of any policy of said company, or cancel any policy in all cases where the directors are authorized to receive the surrender of or cancel policies.

**Examination into improper conduct of directors.**

**21.** The court by which such receiver is appointed, may also, upon his application, examine, by a reference or otherwise, as it may deem proper, into the proceedings and acts of said company, and if it shall appear upon such examination that the directors or officers of the company, or any of them, have in any manner misapplied or improperly disposed of the funds, property or effects of the company, it shall be lawful for the court to order and decree that such persons as may be found guilty of such misapplication or improper disposition, shall pay the amount thereof to such receiver, and to enforce such order or decree by the ordinary process of said court.

**General laws of insurance to apply to company.**

**22.** The said company shall be subject to all general laws which may be enacted by the Legislature of the Province of Ontario, in reference to companies carrying on the business of Fire Insurance.

## CAP. XCIII.

## An Act to Incorporate the "Union Fire Insurance Company."

[Assented to 10th February, 1876.]

**W**HEREAS Gordon Burleigh Pattee, William H. Waller, Preamble. William Schoolbred, Charles W. Mitchell, John Sweetland, Alexander C. Hartwell and Martin Wholehan, of the City of Ottawa, Esquires, have petitioned the Legislature of the Province of Ontario, that a Company be incorporated under the name of the "Union Fire Insurance Company," for the purpose of carrying on the business of Fire Insurance, and insuring property against danger or injury by fire, explosion or other cause of injury or loss, and reinsuring property real and personal, insured by any other Company, and it is expedient to grant their prayer :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**1.** All such persons as shall become shareholders of the said Incorporation. Company, shall be and are hereby constituted and declared to be a body corporate and politic by the name, style and title of "The Union Fire Insurance Company" and by that name shall and may have perpetual succession and a common seal, with power to alter and change the same at pleasure, and may sue and be sued, contract and be contracted with, in the corporate name and for all or any of the objects aforesaid.

**2.** The capital stock of the said Company shall be one Stock. million dollars divided into ten thousand shares of one hundred dollars each ; with the privilege to increase the same from time to time, by a vote of the shareholders at any special meeting called for that purpose ; which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act.

**3.** No subscriber or holder of stock in the Company shall be liable for any greater or further sum than the amount unpaid Liability of Stockholders. on the stock subscribed for or held by such subscriber or holder.

**4.** Until the election of Directors hereinafter provided for Provisional Board. by section six of this Act, the Provisional Board of Directors shall consist of Gordon Burleigh Pattee, William H. Waller, William Schoolbred, C. W. Mitchell, John Sweetland, Alexander C. Hartwell, Thomas H. Kirby and Martin Wholehan.

**5.** The Provisional Board of Directors (or, if any of the said Stock Books. Provisional Directors shall die or resign, those remaining or a majority

majority of them) shall have power to open stock books at such places as they may direct, and to keep the same open so long as they may deem it necessary, and the Provisional Directors are hereby authorised to receive from the shareholders a deposit of ten per centum of the amount of the stock subscribed by such persons respectively, and are hereby required to pay out of such deposit all the costs, charges and expenses incurred in the application for, and the obtaining of, this Act, and of the organizing of the said Company, and to hold office until the first regular meeting and election of Directors.

**Election of  
Directors.**

**6.** When and so soon as fifty thousand dollars of the capital stock of the said Company is subscribed and ten per centum thereof paid in, the Provisional Board of Directors shall, by advertisement for two weeks in one paper published in the City of Ottawa, and in the *Ontario Gazette*, call a general meeting of the shareholders of the said Company for the purpose of electing a Board of Directors to manage the affairs of the said Company under this Act who shall hold office until the next annual general meeting hereinafter provided for; the number of Directors shall not be less than five nor more than eleven.

**Power of  
Directors.**

**7.** The Board of Directors shall have power to make calls upon the shares of the respective shareholders, at such times as they may deem requisite, for the purposes and interests of the said Company, and to sue for and enforce the payment of the same, and may declare all shares forfeited on which such calls have not been duly paid, and may issue any such forfeited stock, and may allot the same or any part thereof to any person or corporation, or sell the same or any portion thereof; provided always that successive calls of stock shall be made at intervals of not less than two months between such calls and no call shall exceed ten per centum and thirty days' notice shall be given of every such call: the Board of Directors shall also, have power to fill any vacancies in their said Board occurring between their usual meetings of shareholders hereinafter provided for, from time to time as they may occur: the Board of Directors shall also at all times have power to appoint officers and agents and to fix the remuneration and term of office of said officers and agents, and to define the duties, obligations of such officers and agents and securities to be given by them, and to remove or dismiss all officers and agents at pleasure, and generally to transact all necessary matters and things connected with the business of the Company; at all meetings of the Directors three members of the Board shall be a quorum, and all questions at such meetings shall be decided by a majority of the votes of the Directors then present thereat; and in case of any equality of votes the President, Vice-President or presiding Director shall have a casting vote in addition to his vote as Director; the Directors may also appoint honorary Directors or local Directors in any city or town in

in which the Company transacts business, with such duties, powers and remuneration as they may deem proper for the transaction of the business of the Company in such places; but no person shall be qualified to be elected a Director unless he is a holder of ten shares with the Company, nor as local Director unless he is holder of five shares in the said Company whereon all calls shall have been duly paid.

**8.** The Board of Directors shall and may, subject to the provisions of any general Act relating to the writing of policies of insurance, issue policies of fire or of insurance against explosion, or live stock insurance policies, insuring such property as they shall see fit, and to such policies shall fix the rates at and the rules and conditions under which the Company policies shall be issued, transferred or repurchased; and the said Board of Directors shall also have charge of the investment of the funds of the Company: Provided that no policy shall be issued until at least one hundred thousand dollars of the capital stock of the said Company is subscribed for, and ten per centum thereof paid in: the Company may hold such real estate, not exceeding the annual value of five thousand dollars, as is required for offices, and may alien the same at pleasure, and may purchase other real estate in substitution thereof, and may also hold such other real estate as shall have been *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts purchased by it at Sheriff's sale in respect of executions issued by it or judgments recovered by it: Provided that all such last mentioned real estate shall be sold within five years from the time of its becoming the absolute property of the Company.

Real Estate.

**9.** The shares of the Company shall be transferable by the parties holding the same according to by-laws to be framed for that purpose by the Directors of the Company; but no shares shall be transferred until all calls thereon shall have been paid, and the transmission of interest in any share of the stock of the Company by any other means than the aforesaid shall be proved by such evidence and in such form as the Board of Directors may from time to time direct: and in any action for the recovery of calls or arrears of calls it shall be sufficient for the Company to allege that the defendant being the owner of shares is indebted to the said Company in such sums of money as the calls or arrears of calls amount to for such and so many shares whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall only be necessary to prove that the defendant was owner of the shares and that the call was made according to the by-laws or rules of the Company.

Transfer of Shares.

Action for calls.

**10.** The Head Office of the Company shall be at the City of <sup>Head Office.</sup> Ottawa, or at such other place in the Province of Ontario, as <sup>may</sup>

may, from time to time, be determined by the shareholders at any one of the general meetings.

**Annual meetings.**

**11.** The books shall be balanced annually, on the thirty-first day of December, in each year; and, within three months from the day aforesaid, a general meeting of shareholders to be termed the general annual meeting shall be called by the Board of Directors, at which a full statement of the Company's affairs shall be submitted, and ten days' notice of such meeting shall be given by advertisement in one newspaper in the place where the Head Office is, and also by two successive insertions in the *Ontario Gazette*.

**Votes of shareholders.**

**12.** At such general annual meetings, each shareholder shall have one vote for each share on which all calls have been duly paid, and votes may be cast in person or by proxy; the shareholders shall at such meetings appoint ten Directors by ballot, unless the election is unanimous; which ten Directors shall hold office until the next general annual meeting, but all other proceedings shall be determined by open vote; but the Company shall not be dissolved by failure to hold the said general annual meeting, or to elect Directors thereat: corporations holding stock in the Company may be represented at such meetings by their chief executive officers, and the shareholders shall decide at the said general annual meetings, the remuneration to be paid to the Directors, and President and Vice-President.

**Special meetings.**

**13.** Special meetings of shareholders may be called at any time by the Directors, or on the requisition of shareholders holding one-third of the Company's stock; and ten days' notice of such special meetings, stating the objects for which they are called shall be sent to each shareholder by mail; lists of the shareholders shall be at all times accessible to them.

**Penalty for paying dividend when company is insolvent.**

**14.** If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent, or diminishes the Capital Stock thereof, the Directors declaring such dividend shall be jointly and severally liable as well to the Company as to the individual Shareholders and Creditors thereof, for the amount of the Dividend or Dividends so paid; but if any Director present when such Dividend is declared, do forthwith, or if any Director then absent do, within twenty-four hours after he shall have become aware thereof and able to do so, enter in the minutes of the Board of Directors his protest against the same, and do, within eight days thereafter, publish such protest in at least one newspaper published at or as near as may be possible to the head Office of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

**How directors may avoid such liability.**

**Returns to the Legislature.**

**15.** The Directors of the said Company shall make and furnish

nish to the Lieutenant-Governor and to the Legislative Assembly of the Province of Ontario, during the first fifteen days of the first session in each and every year, a full and unreserved statement of the affairs of the said Company, and of its funds, property and securities, to be verified on oath, showing :—

1. Amount of premiums received during the year on risks effected, less twenty-five per cent., and the net amount of losses actually paid ;

2. Assets of the Company ;

3. Liabilities of the Company ;

4. Amount of Capital Stock ;

5. Amount paid thereon ;

6. Of what the assets of the Company consist ; (State particulars.)

7. Amount of losses paid during the year ;

8. Amount of losses due and unpaid ;

9. Losses adjusted and not due ;

10. Losses in suspense and awaiting for further proof ;

11. Losses, the payment of which is resisted, and for what cause ;

12. All other claims against the Company ;

13. Amount of premiums earned during the year ;

14. Amount of premiums unearned ;

\*15. Amount of risk on total policies in force.

16. The Lieutenant-Governor in Council, whenever he shall deem it expedient, may appoint any one or more qualified persons, not being officers of any other Fire Insurance Company, to examine into the affairs of the said Company, and it shall be the duty of the officers or agents of said Company to cause their books to be opened for the inspection of the person or persons so appointed, and otherwise to facilitate such examinations ; and for that purpose such person or persons shall have power to examine, under oath, such officers and agents ; and whenever it shall appear from such examination that the assets and financial position of said Company are such as not to justify the continuance in business of the Company, the Attorney-General may apply, in a summary manner, on motion to one of the superior Courts of law or equity, for an order requiring said Company to show cause why the business of the Company should not be closed ; and the Court shall thereupon proceed to hear the allegations and proofs of the respective parties, and in case it shall appear to the satisfaction of the Court that the assets and funds of the Company are not sufficient as aforesaid, or that the interests of the public so require, the said Court shall decree a dissolution of said Company's affairs, and may appoint a receiver, and take possession of, collect and get in the assets and effects of the said Company, and otherwise to wind up the affairs thereof.

17. Such Receiver shall have full power, under the authority of the Court appointing him, to make all such calls on the shares of the

Lieutenant-Governor in Council may appoint persons to examine into the affairs of the Company.

Powers and rights of the  
of

receiver appointed by the Court.

of the said Company as may be necessary to pay its debts and claims against it, as the Directors would have authority to make; and the notice of such calls may be given in the same manner as is hereinbefore provided; and the said Receiver shall have the like rights and remedies upon and in consequence of the non-payment of such calls as are given to the Company or the Directors thereof; and such receiver may receive a surrender of any policy of said Company, or cancel any policy in all cases where the Directors are authorized to receive the surrender of or cancel policies.

Examination into improper conduct of directors.

**18.** The Court by which such Receiver is appointed may also, upon his application, examine, by a reference or otherwise, as it may deem proper, into the proceedings and acts of said Company, and if it shall appear upon such examination that the Directors or officers of the Company, or any of them, have in any manner misapplied or improperly disposed of the funds, property or effects of the company, it shall be lawful for the Court to order and decree that such persons as may be found guilty of such misapplication or improper disposition, shall pay the amount thereof to such receiver, and to enforce such order or decree by the ordinary process of said Court.

General laws of Insurance to apply to company.

**19.** The said Company shall be subject to all general laws which may be enacted by the Legislature of the Province of Ontario in reference to Companies carrying on the business of Fire and Marine Insurance.

## CAP. XCIV

An Act to confirm a By-law of The Canada Permanent Building and Savings Society, changing its name to The Canada Permanent Loan and Savings Company, and for other purposes therein mentioned.

[Assented to 10th February, 1876.]

Preamble.

**W**HEREAS The Canada Permanent Loan and Savings Company, formerly The Canada Permanent Building and Savings Society, by their petition have represented that they were incorporated as a building society on the first day of March, one thousand eight hundred and fifty-five, and have been doing business as such ever since; that by an Act of the Parliament of the Dominion of Canada, passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered one hundred, it was enacted that it should be lawful for the said society, by by-law, to change the name of the society from that of "The Canada Permanent Building and

and Savings Society" to that of "The Canada Permanent Loan and Savings Company," which change should take effect, and should be held to be effectual to all intents and purposes, from and after a day to be specified in such by-law; provided that the directors of the society should advertise the change of name in the *Canada Gazette* and in a newspaper published in the City of Toronto, once a week for one month previous to the change taking effect; that by statute passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered fifty, section one, of said Parliament, it was provided that the directors of any permanent building society might from time to time alter and repeal, or create any regulation, rule or by-law for working of such society, provided that the action of the directors should not have a binding force until confirmed at a general meeting of the shareholders of such society, upon a vote of two-thirds of the capital stock represented at such meeting; that, pursuant to said Act, the directors of The Canada Permanent Building and Savings Society, on the twelfth day of August, one thousand eight hundred and seventy-four, had passed the following by-law:—That on and after the first day of October next the name of this society shall be changed from that of "The Canada Permanent Building and Savings Society" to that of "The Canada Permanent Loan and Savings Company;" and said directors did also advertise such change of name in the *Canada Gazette* and in the *Toronto Globe* once a week for one month previous to the said first day of October; that due notice had been given to the shareholders of an intended general meeting to confirm said by-law, to be holden on the thirtieth day of September, one thousand eight hundred and seventy-four, and all shareholders were duly notified of the said meeting and of the said by-law; that said meeting had been holden at the offices of the said society on the thirtieth day of September, one thousand eight hundred and seventy-four, when the following resolution was passed unanimously: Whereas an Act was passed at the last session of the Parliament of Canada, entitled "An Act to authorize the shareholders of 'The Canada Permanent Building and Savings Society' to change the name of the said society; and whereas it was provided in said Act that it shall be lawful for the said society by by-law to change the name of the said society from that of 'The Canada Permanent Building and Savings Society' to that of 'The Canada Permanent Loan and Savings Company'; and whereas the notice required by the said Act has been duly advertised in the *Canada Gazette* and the daily *Globe*, a newspaper published in the City of Toronto, copies of which papers are now before this meeting; and whereas a by-law for effecting such change of name has been duly passed by the directors of the said society in the following words, viz.: That on and after the first day of October next the name of this society shall be changed from that of 'The Canada Permanent Building and Savings Society' to that of 'The Canada Permanent Loan and Savings Company.' Be it now resolved, that

that the said by-law be and the same is hereby confirmed; that said petitioners considered that it was desirable and convenient for the purposes of evidence of such change of name and other purposes that the action of the said society in passing said by-law and the said change of name should be confirmed; the petitioners therefore prayed that an Act might be passed confirming the said by-law, and ratifying and confirming the change of name of said society, as of the first day of October, one thousand eight hundred and seventy-four, and that such provisions of the above recited Act as might be applicable to the purpose of fully effectuating said change of name might be embraced in said Act; and whereas it is expedient that the prayer of said petition should be granted:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law of the  
C. P. B. and  
S. Society  
changing the  
name con-  
firmed.

**1.** The by-law passed by the board of directors of the Canada Permanent Building and Savings Society on the twelfth day of August, one thousand eight hundred and seventy-four, and confirmed at a general meeting of the shareholders of the said society held on the thirtieth day of September, one thousand eight hundred and seventy-four, changing the name of the said "The Canada Permanent Building and Savings Society" to that of "The Canada Permanent Loan and Savings Company" be and the same is hereby confirmed as of the said thirtieth day of September, one thousand eight hundred and seventy-four.

Existing de-  
bentures,  
mortgages, &c.

**2.** All debentures issued by and under the said name of "The Canada Permanent Loan and Savings Company," and all mortgages, bonds, deeds, agreements, or other instruments executed by or to the said society under the said name of "The Canada Permanent Loan and Savings Company," on and after the first day of October, one thousand eight hundred and seventy-four, under and in pursuance of the said Act passed in the said thirty-seventh year of Her Majesty's reign by the said Parliament of the Dominion of Canada, and intituled "An Act to authorize the shareholders of The Canada Permanent Building and Savings Society to change the name of said society, shall be and are hereby declared to be as valid and effectual as if the said society had been originally incorporated by and under the said name of the said Canada Permanent Loan and Savings Company.

Incorporation  
from 1st Oct.  
1874.

**3.** And it is hereby further enacted, that upon, from and after the said first day of October, one thousand eight hundred and seventy-four, the said society and all its then members, their successors and assigns for ever, became, were and shall be held to have been constituted, and shall continue to be a body politic and corporate under said name, having its principal place of business in the City of Toronto, and under that name

name capable of suing or being sued, pleading and being impleaded in all courts and places whatsoever.

**4.** From and after the said first day of October, one thousand eight hundred and seventy-four, the officer of the said company, theretofore known as the Secretary-Treasurer thereof, became, and was and shall be known and styled the manager, with the same duties and functions as was theretofore vested in the said secretary-treasurer.

**5.** The said society under its new name shall not be deemed to be or to have been created a new corporation, but it shall have, hold, and continue to exercise all the rights, powers and privileges that shall previously to such change have heretofore been held, exercised and enjoyed by the said "Canada Permanent Building and Savings Society" in as full and ample a manner as if the said society had continued to exist under its original name, and all statutory provisions applicable to the said society shall continue applicable to the said Canada Permanent Loan and Savings Company.

**6.** All real and moveable property, shares or stock, obligations, debts, rights, claims and privileges of the said Canada Permanent Building and Savings Society shall, after and from the first day of October, one thousand eight hundred and seventy-four, be held by and vested in the said society under its new name, and all the shareholders in the said society shall from such time continue shareholders in all respects as before such change of name, but all legal proceedings theretofore begun by or against the "Canada Permanent Building and Savings Society" may be continued under the name or style of cause in which they have been instituted.

Society not to  
be a new cor-  
poration.

Property of  
Company.

Legal proceed-  
ings pending.

## CAP. XCV.

An Act to change the name of "The Huron and Erie Savings and Loan Society" to that of "The Huron and Erie Loan and Savings Company."

[Assented to 10th February, 1876.]

**W**HEREAS the Huron and Erie Savings and Loan Society, Preamble. by their petition, have represented that they are a body corporate and politic, incorporated under the authority of the Act intituled "An Act respecting Building Societies," chaptered fifty-three of the Consolidated Statutes for Upper Canada, and of the Acts amending the same, and have by their petition prayed for a special Act to be passed changing the name of their

their corporation, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Change of name.

**1.** The name of the said corporation, The Huron and Erie Savings and Loan Society, is hereby changed to that of The Huron and Erie Loan and Savings Company, and from and after the passing of this Act the said corporation shall be designated and known as "The Huron and Erie Loan and Savings Company."

Existing suits.

**2.** No suit, action, prosecution or proceeding being carried on or power being exercised in the name of the Huron and Erie Savings and Loan Society shall be discontinued or abated by or on account of the passing of this Act; but every such suit, action, prosecution and proceeding may be continued and terminated under the name or style of cause in which it may have been instituted.

## CAP. XCVI.

An Act to confirm a By-law changing the name of The Western Canada Permanent Building and Savings Society to that of The Western Canada Loan and Savings Company.

[Assented to 10th February, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Change of name.

**1.** The By-law passed by the Board of Directors of The Western Canada Permanent Building and Savings Society on the fifteenth day of June, in the year of our Lord one thousand eight hundred and seventy-four (under and by virtue of the provisions of an Act of the Parliament of the Dominion of Canada, passed in the thirty-seventh year of Her Majesty's reign, and intituled "An Act to authorize the shareholders of the Western Canada Permanent Building and Savings' Society to change the name of the said society) and confirmed at a general meeting of the shareholders of the said society held on the first day of August in the year of our Lord one thousand eight hundred and seventy-four, changing the name of the said "The Western Canada Permanent Building and Savings' Society" to "The Western Canada Loan and Savings' Company," be and the same is hereby confirmed

confirmed as of the said first day of August, in the year of our Lord one thousand eight hundred and seventy-four.

**2.** All debentures issued under the said name, and all mortgages, bonds, deeds, agreements or other instruments executed by or to the said society under the said name of The Western Canada Loan and Savings' Company, and every other act, deed, matter or thing done by or on behalf of the said company in pursuance of the provisions of an Act passed in the thirty-seventh year of Her Majesty's reign by the Parliament of the Dominion of Canada, and intituled "An Act to make further provisions for the management of Permanent Building Societies carrying on business in the Province of Ontario," and under and in pursuance of an Act passed in the said thirty-seventh year of Her Majesty's reign by the said Parliament of the Dominion of Canada and intituled "An Act to authorize the shareholders of the Western Canada Permanent Building and Savings' Society to change the name of the said society," and every rule made by the said company under and by virtue of the said Acts or either of them, shall be as valid and effectual as if this Act had been passed on the twenty-sixth day of May, in the year of our Lord one thousand eight hundred and seventy-four, and such debenture, mortgage, bond, deed, agreement or other instrument had been executed, or such other act, deed, matter or thing had been done or rule made by virtue thereof, and the change in the name of the corporate name heretofore made in pursuance of any Act of the said Parliament, are hereby confirmed.

Retrospective  
effect of this  
Act.

**3.** From and after the passing of this Act, the officer of the said company heretofore known as secretary-treasurer thereof shall be known as and styled the manager, with the same duties and functions as were heretofore vested in the said secretary-treasurer.

Office of  
Secretary-  
Treasurer.

## CAP. XCVII.

An Act to authorize an addition to the Capital of the Canada Landed Credit Company and for other purposes therein mentioned.

[Assented to 10th February, 1876.]

**W**HEREAS, the Canada Landed Credit Company, created Preamble. and constituted by the Act passed in the twenty-second year of Her Majesty's Reign, chaptered one hundred and thirty-three, hath prayed for authority to increase its capital and for enlarged powers of borrowing and lending, and it is expedient to grant the prayer of the said petition :

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Inconsistent enactments repealed.

**1.** So much of the Act hereinbefore cited and of the Act passed in the twenty-second year of Her Majesty's reign, chaptered one hundred and five, and intituled "An Act to authorize an addition to the Capital of the Canada Landed Credit Company and for other purposes therein mentioned," and of the Act passed in the Session held in the twenty-ninth and thirtieth years of the reign of Her Majesty, chaptered one hundred and twenty-five and intituled "An Act to amend the Acts relating to the Canada Landed Credit Company," as may be inconsistent with or repugnant to the provisions of this Act, or as makes any provision in any matter provided for by this Act other than such as is hereby made, shall be, and is hereby repealed.

Increase of Capital Stock.

**2.** It shall be lawful for the said company to add to their present stock a sum not exceeding one million dollars, and to raise such sum either by subscription among the present shareholders or by the admission of new shareholders, or partly in one way and partly in the other, which said sum of one million dollars shall be divided into twenty thousand shares of fifty dollars each: and every person subscribing for or taking any share or shares in such additional capital stock of one million dollars shall have the same rights, and be subject to the same provisions, rules and liabilities, except as herein otherwise provided, as the original or any other subscribers and shareholders of the said Canada Landed Credit Company, and the various clauses of the said recited Acts, applicable to the share and shareholders of the said company, shall apply to the shares hereby authorized to be issued or subscribed for, except so far as inconsistent with the provisions hereof.

Calls.

**3.** The company may from time to time make such calls of money upon the respective shareholders in respect of the amount of said capital respectively subscribed, or owing by them, as they shall deem necessary; provided that thirty days' notice at the least be given of each call, and that no call exceed the amount of five dollars per share, and that successive calls be not made at less than the interval of three months, and that the aggregate amount of calls made in one year do not exceed the amount of twenty dollars per share, and every shareholder shall be liable to pay the amount of calls so made in respect of the shares held by him to the persons, and at the times and places from time to time appointed by the company.

Proviso to 22 V., c. 133, s. 30, and to 22 V., c. 105, s. 4, re-pealed.

**4.** The proviso to the thirtieth section of the said Act, chaptered one hundred and thirty-three, and the proviso to the fourth section of said Act, chaptered one hundred and five, are hereby repealed, and the following substituted therefor: "Provided that the amount to be so raised by debentures shall at no time exceed

exceed two million dollars, and that no loan shall be made by the Company to the amount of more than one-half of the value of the property mortgaged therefor."

**5.** It shall be lawful for the said company to lend money on mortgages or assignments of mortgages on real estate, and the principal moneys so advanced on mortgages and assignments of mortgages, and the interest thereon, may be made repayable, and be repaid by means of a sinking fund of not less than two per centum per annum, within such time as the said company shall direct and appoint, and as shall be specified in the mortgage or assignment of mortgage, and it shall be lawful also for the said company to provide that the principal money so advanced on any mortgage or assignment of mortgage, and the interest thereon, may be made repayable, and be repaid in instalments, or in one sum, instead of by means of a sinking fund, at such time or times and in such manner as may be agreed upon and specified in any such mortgage or assignment of mortgage, and the second clause of the said Act, chaptered one hundred and thirty-three, is in the respects aforesaid hereby amended.

22 V., c. 133,  
s. 2, amended.

## CAP. XCVIII.

An Act to remove doubts as to the Incorporation of the Directors of the County of Carleton General Protestant Hospital, and to confirm a mortgage given by them to the Metropolitan Building and Savings Society.

[Assented to 10th February, 1876.]

WHEREAS the Directors of the County of Carleton General Protestant Hospital have represented that, by an Act of the Legislative Assembly of the Province of Ontario, passed the second day of March, in the year of our Lord one thousand eight hundred and seventy-two, and intituled "An Act to amend the Act to Incorporate the County of Carleton General Protestant Hospital"—it is enacted that, from and after the passing of the said Act, all the property, real and personal, pertaining to the County of Carleton General Protestant Hospital, and in any way thereto belonging, should vest in and be held by the Directors of the said Hospital for the time being, for the use and benefit of the said Hospital, and all the rights, powers, privileges and duties conferred on and assigned to the Trustees of the said Hospital, by the therein cited Act were transferred to and vested in the Directors of the said Hospital for the time being : And that by an Act of the Legislative Assembly of the Province of Ontario, passed on the twenty-first day of December, in the year of our Lord one thousand eight hundred and seventy-four,

Preamble.

four, and intituled "An Act further to amend the Act to incorporate the County of Carleton General Protestant Hospital, and to grant certain powers to the Directors thereof"—it was enacted that the Directors of the County of Carleton General Protestant Hospital might, and they were thereby authorized and empowered to borrow from any person or persons, body or bodies, politic or corporate, a sum or sums of money not exceeding in the whole the sum of eight thousand dollars, and for the purpose of securing the repayment thereof with such interest as might be agreed on, to grant and convey by way of mortgage to the lender or lenders thereof, the lands held by them, the said Directors, for the use and benefit of the said Hospital or any part or parts thereof free from the uses and trusts for which the same were held by them: And that under the authority of such last mentioned Act the said Directors did on the thirty-first day of March, in the year of our Lord one thousand eight hundred and seventy-five, borrow the sum of eight thousand dollars from the Metropolitan Building and Savings Society; and that the said Directors by an Indenture dated the day and year last aforesaid, made between the Directors of the County of Carleton General Protestant Hospital of the first part, and the said the Metropolitan Building and Savings Society of the second part, signed by George Hay, the President of the said Hospital, and sealed with the seal of the said Hospital did grant and mortgage unto the said Society lots, numbers forty-two, forty-three, forty-four, forty-five, forty-six and forty-seven on the north side of Rideau street, in the City of Ottawa, for the purpose of securing the repayment of the said sum of eight thousand dollars with interest unto the said Society at the rates and times in such mortgage mentioned for the payment thereof: And that doubts have arisen whether the Directors of the County of Carleton General Protestant Hospital are or have been a body corporate, and if so what is their corporate name; and the said Directors have prayed that such doubts should be removed, and that the said mortgage to the said Society should be confirmed and declared valid, and a subsisting charge upon the said lands for the money thereby secured or intended so to be, and it is expedient to grant the prayer of their petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Incorporation.** 1. From and after the passing of the said hereinbefore cited Act of the second day of March, in the year of our Lord one thousand eight hundred and seventy-two, the Directors of the said Hospital for the time being have been constituted and are and shall continue to be constituted a body politic and corporate by the name of "The Directors of the County of Carleton General Protestant Hospital."

**Seal.**

2. From and after the passing of the said hereinbefore cited

cited Act of the second day of March, in the year of our Lord one thousand eight hundred and seventy-two, the seal heretofore used by the said the Directors of the said Hospital, and which bears the inscription "County of Carleton General Protestant Hospital, Chartered 1851," is declared to have been and is the corporate seal of the said The Directors of the County of Carleton General Protestant Hospital: Provided that the said Directors may by by-law from time to time alter and change the said corporate seal.

**3.** All acts, deeds, matters and things which the said The Directors of the County of Carleton General Protestant Hospital could lawfully do and which they have done under the name of "The Directors of the County of Carleton General Protestant Hospital," are hereby declared valid and legal. Former acts of Directors legalized.

**4.** The said Indenture of Mortgage of the thirty-first day of March, in the year of our Lord one thousand eight hundred and seventy-five, to the said The Metropolitan Building and Savings Society is declared to have been from the time of the said execution thereof and to be and continue legal and valid, and shall be held and construed to have vested in the said the Metropolitan Building and Savings Society, and its assigns all the right, title and interest of the said Hospital and of the Trustees of the said Hospital and of the Directors of the said Hospital for the time being of, in and to the said lands, upon the terms and conditions and subject to the proviso for redemption contained in the said Indenture of Mortgage. Mortgage to Metropolitan Building Society confirmed.

## CAP. XCIX.

An Act to vest certain lands situate in the Town of Lindsay in the Board of Education for the Town of Lindsay, in trust for Public School purposes.

[*Assented to 10th February, 1876.*]

**W**HEREAS the Board of Education for the Town of Lind- Preamble. say have, by their petition, set forth that additional school accommodation being much needed, they propose to erect a school-house in the north ward of the said town, and that the lands hereinafter mentioned are most eligibly situated, and are the only lands so situated and of sufficient extent obtainable in the said ward for that purpose; that the said lands were in the year one thousand eight hundred and forty-nine granted by the Crown to the Council of the then District of Coborne, their successors and assigns, in trust for a burial ground for Protestants of all denominations, and were thereafter and until

until the year one thousand eight hundred and sixty-two used for burial purposes ; that in the last mentioned year burials and interments were prohibited therein after the tenth day of October in that year by a by-law of the said Town of Lindsay, and that since the said day the said lands have not been used for burial purposes ; that but few bodies in proportion to the extent of the said lands are buried therein, and that the greater num-

of them cannot now be identified ; that the said grounds are in a neglected condition, and are an eyesore and a hindrance to the welfare and prosperity of the community, and that the acquisition and use of the said lands by the said board, in the manner hereinafter mentioned, will be a public benefit ; that the said Board of Education have obtained a conveyance of the said lands to them, dated the eighth day of June, one thousand eight hundred and seventy-five, from the Corporation of the County of Victoria, as the successors of the said the Council of the District of Colborne, in trust for public school purposes, but subject to all rights acquired therein or thereto under the said grant from the Crown, but have been prevented from removing the bodies of the dead buried therein, and from using the said lands for school purposes, by the objections of a few of the persons interested therein, and that the great majority of the friends and relatives of the deceased known to be buried therein assent to such removal of the bodies and use of the said lands by the said board ; And the said board pray for an Act legalizing and confirming the said conveyance to them from the Corporation of the County of Victoria, and authorizing the removal of the bodies of the dead buried in the said lands, and vesting the said lands in the said board, as hereinafter mentioned, and it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Conveyance of certain lands in Lindsay to the Board of Education confirmed.

**1.** The conveyance bearing date the eighth day of June, in the year of our Lord one thousand eight hundred and seventy-five, made and executed by the Corporation of the County of Victoria of the first part, to the Board of Education for the Town of Lindsay of the second part, whereby lots numbers seventeen, eighteen and nineteen, on the north side of Francis Street, in the Town of Lindsay, containing one and one-half acres, more or less, were granted or intended to be granted to the said the Board of Education for the Town of Lindsay, their successors and assigns for ever, in trust for public school purposes, is hereby legalized and confirmed.

Removal of the dead.

**2.** The said the Board of Education for the Town of Lindsay, their successors and assigns, is and are hereby authorized and empowered forthwith, after giving notice as hereinafter mentioned, to remove from the said lands in the first section of this Act mentioned, or from such part or portion thereof as they shall at any time require for school purposes, all the remains of

the

the dead therein interred to such part or portion of the said lands as they may set apart for that purpose, or in case the whole of the said lands shall be at any time required for school purposes, then to some other convenient Protestant cemetery, and shall there, by and at the expense, cost and charges of them the said board, their successors or assigns, reinter the said remains decently and in order, and so far as reasonably may be with a due regard to the wishes or desire of any friends of the deceased as to the manner of such removal and reinterment.

**3.** The said Board of Education, their successors and assigns, shall, before removing the remains of the dead, as in the second section of this Act authorized, during the period of one month publish a notice, once in each week, in each of the newspapers published in the said Town of Lindsay, stating their intention to remove the said remains after a day to be named in the said notice, which day shall not be less than six weeks after the first publication of the said notice, and no further or other notice to the friends or relatives of the said deceased shall be necessary.

Notice of removal of remains of the dead.

**4.** From and after the removal of the remains of the dead therefrom as aforesaid, the said lands in the first section of this Act mentioned, or so much and such part thereof as shall be so as aforesaid required and prepared at any time for school purposes, shall be and become absolutely vested in and held, used and enjoyed by the said the Board of Education for the Town of Lindsay, their successors and assigns for ever, in trust for public school purposes, freed and discharged of and from all rights, titles, claims and demands whatsoever, of or by any and all other person or persons whomsoever acquired under, or by virtue of the said original grant of the said lands for burial purposes, or by the use of the said lands for such purposes or otherwise howsoever, and the said Board of Education, their successors and assigns, are hereby freed, discharged and indemnified of, from and against all claims by any such person or persons, for or by reason of any act, matter or thing to be by them done under the authority of this Act.

Lands to vest in the Board of Education.

## CAP. C.

### An Act for the Relief of the Vaughan Road Company.

[Assented to 10th February, 1876.]

**W**HEREAS on or about the fourteenth day of March, in the year of our Lord one thousand eight hundred and seventy-four, the stock and other books of the Vaughan Road Company were destroyed by fire, and it is desirable to obtain a correct list of the stockholders;

Therefore Her Majesty, by and with the advice and consent of

of the Legislative Assembly of the Province of Ontario, enacts as follows:—

President to  
prepare a list  
of Stock-  
holders.

**1.** The president of the said company shall prepare and verify on oath, before the referee hereinafter mentioned, a list of the names and residences (so far as he may be aware of them) of all persons who are holders of stock in the said company, and shall set opposite each name so far as he may be able the number of shares in the company held by each of such stockholders.

If Stock-  
holders' trus-  
tee, &c., such  
to be express-  
ed in list.

**2.** Where a person holds any share or shares as trustee, guardian, executor or administrator, his representative character shall be, if the president shall be aware of such character, expressed in the said list of stockholders.

Stock referee.

**3.** It shall be lawful for the Lieutenant-Governor in Council to appoint any person whom he may think fit, to be called the Vaughan Road Company Stock Referee, and in case of such person dying or refusing or becoming incapable or unwilling to act or to proceed with his duty, then to appoint some other person as such referee so often as it may become necessary so to do.

List to be de-  
livered to  
stock referee.

**4.** When the said list of stockholders shall have been completed and sworn to as aforesaid, the president shall deliver the same to the said referee, and the said referee shall thereupon file the same; and any person shall be entitled to inspect the same upon payment to the said referee of the sum of twenty cents, and shall be entitled to a copy thereof upon payment of ten cents for every one hundred words.

Notice to be  
given to each  
stockholder  
and published.

**5.** The said referee shall send to every person named in the said list, to the post-office address given in the said list, a copy of said list and a notice to the same effect as in Schedule A, and shall cause an advertisement to be inserted in three issues of the *Ontario Gazette*, and of one of the Toronto daily newspapers, to the effect as in Schedule B, and in any other newspaper or newspapers he may think fit, and he may direct any additional or other notice to be given, published or otherwise at his discretion.

Trial of com-  
plaints.

**6.** The referee shall appoint some time and some place in the City of Toronto for the trial of complaints in respect of the said list of stockholders, notice of which shall be given by the said advertisement, and he may adjourn such trial from time to time as he may think proper with or without further advertisement.

Persons com-  
plaining to  
give notice to  
referee.

**7.** Any person complaining of an error or omission in the said list may personally or by his agent, on or before the day fixed by the said advertisement for that purpose, give notice in writing to the said referee, that he considers himself aggrieved and shall state his cause of complaint.

**8.** If any person, claiming to be a stockholder, thinks that any person has been rated as holding too many or too few shares in the said company, or has been wrongfully inserted in or omitted from the list, he may give notice in writing on or before the day fixed by the said advertisement for lodging complaints to the referee stating the particulars of his complaints; and the referee shall cause notice to be given to the persons complained against, at least six days before the day appointed for the trial thereof; and the matter shall be tried and decided by the referee as hereinafter provided.

**9.** If it shall appear that there are errors which need correction, the referee may extend the time for making complaints in respect of such errors thirty days further, and may then determine the additional matters complained of.

**10.** The referee shall administer an oath to any party or witness before his evidence can be taken, and may issue a summons to any witness to attend before him, and to produce all books, papers and documents in his custody or power relative to the enquiry or complaint.

**11.** If without sufficient cause any person so summoned fails to attend, or fails to produce any book, paper or document directed by the referee to be produced (having been tendered compensation at the rate of fifty cents a day and his necessary travelling expenses), he shall incur a penalty of fifty dollars, to be recoverable with costs by the person on whose behalf or at whose instance he was summoned, or by the referee.

**12.** The referee after hearing upon oath the complaint, the Stock referee persons complained against and any witnesses that may be adduced or any of them, shall determine the matter of the complaint, and if necessary alter the list of stockholders so that it may conform to his decision.

**13.** If either party fail to appear either in person or by an agent, the referee may upon proof of the advertisements and service of notices as herein provided proceed *ex parte*.

**14.** The referee shall be at liberty at any time and from time to time to require any additional evidence or additional information which he may deem necessary for enabling him to perform satisfactorily the duties assigned to him by this Act.

**15.** If any person claiming to be a stockholder of the said Company is dissatisfied with the decision of the referee upon any matter adjudicated upon, such person may appeal from such decision to either of the Superior Courts of Common Law or the Court of Chancery, or any of the Judges of the said Courts.

**16.** The person desiring to appeal shall, within ten days from appeal.

from the day upon which the referee shall have given his decision, serve upon the opposite party and upon the referee a petition in appeal, setting forth the proceeding before the referee and his decision thereon, and praying for its revision, with a notice of the day on which such petition is to be presented (which may be any day upon which the court appealed to has appointed for the hearing of appeals from the County Courts), and shall also, within the said period of ten days, cause security to be given by two sufficient sureties to the satisfaction of the referee, that he will duly prosecute such appeal and pay all costs incurred by reason of such appeal which he may be directed to pay.

**Direction of Court on appeal.**

**17.** The court appealed to may give such direction to the referee, touching the matter in appeal, as may be just, may also award costs to either party to be taxed as hereinafter provided.

**Amended list may be prepared after decision, and referee shall certify same.**

**18.** When all the complaints have been disposed of, and the referee has obtained all the information and evidence which he shall see fit to require, he shall prepare in duplicate a new list from the said list or such list as amended if amendments thereto have been made, and shall append a certificate at the foot thereof in the form following :—

“I certify that the above contains a correct list of the holders “of stock in the Vaughan Road Company, as ascertained “by me in pursuance of the Vaughan Road Company Relief “Act.

“A. B.,  
“Vaughan Road Company Stock Referee”

and shall deliver one of such lists to the president of the said company, and shall file the other in the registry office for the County of York.

**Certified lists to be conclusive evidence.**

**19.** The said list certified as aforesaid shall be valid and bind all parties, and shall be held to be conclusive evidence as to the persons entitled, and the number of shares to which such persons were entitled upon the day on which the referee shall sign the said certificates; and the list so certified shall be conclusive evidence that all proceedings by this Act required to be taken prior to such certificate were duly taken by the proper parties.

**Cost of contested proceedings.**

**20.** The costs of any contested proceedings before the referee as aforesaid (including his own fees and expenses) shall be paid by or apportioned between the parties in such manner as the referee shall think fit; and costs ordered to be paid by any person may be enforced, when ordered by the said referee, by a distress warrant under the hand of the referee.

**Costs to be fixed by referee.**

**21.** The amount of costs to be paid by any person shall be fixed by the said referee on the scale of costs allowed as between

tween party and party in the County Court or in the Division Court, as in the discretion of said referee may deem just.

**22.** This Act may be known as the "Vaughan Road Company Relief Act." Short title.

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### SCHEDULE A.

(*Section 5.*)

#### VAUGHAN ROAD COMPANY STOCK.

Take notice that your name appears in the list of stockholders of the Vaughan Road Company, as owner (or as trustee, guardian, executor or administrator for the owner) of shares in the said company. If you deem yourself improperly rated, you or your agent may notify the undersigned in writing, stating the matter of complaint, on or before the day of *(some day at least fourteen days before the day fixed for trial)*, and your complaint shall be tried in conformity with the provisions of the Vaughan Road Company Relief Act.

(Signed)                   A. B.,  
*Vaughan Road Company Stock Referee.*

Take notice that I complain of the within rating, for the following reasons:—

(Signed)                   C. D.,  
*X. Post Office.*

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### SCHEDULE B.

#### VAUGHAN ROAD COMPANY STOCK.

(*Section 5.*)

The President of the Vaughan Road Company has deposited with me, in accordance with the Vaughan Road Company Relief Act, a list of persons whom he believes to be holders of stock in the said company, and the same may be inspected at my office, number street, Toronto, every day, between the hours of ten o'clock in the forenoon and three o'clock in the afternoon (Sundays and public holidays excepted); and I hereby give notice, that all complaints in respect of such list must be lodged with me in writing, stating the nature of the complaint, on or before the day of *(some day at least two weeks before the day appointed for trial)*; and I further give notice, that I have appointed the day of for the trial of all complaints in respect of the said list.

Dated

(Signed)                   A. B.,  
*Vaughan Road Company Stock Referee.*  
 CAP.

## CAP. CI.

An Act to grant relief to the Albion Road Company.

[*Assented to 10th February, 1876.]*

## Preamble.

**W**HEREAS the Albion Road Company have, by their petition, represented that they are in serious financial difficulty, arising from the reduction of the amount received from tolls on their road, caused by the diversion of the traffic of said road to the Toronto, Grey and Bruce Railway; And whereas, they further represent that it is impossible to meet their present obligations, and maintain their road at its present length, and have prayed to be relieved from maintaining more than four miles of their present road; And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Length of Albion Road.

**1.** The Albion Road Company are hereby relieved from maintaining more than four continuous miles of their present road, commencing at the western termination of the road of the Weston Road Company, and extend along the Albion road a distance of four miles terminating at or near the front of the third concession of the Township of Etobicoke.

## Removal of toll houses.

**2.** The said company shall have full power and authority, within twelve months after the passing of this Act, to sell or remove from that portion of their present road, from which they are hereby relieved, any toll house being thereon.

## Inconsistent enactments repealed.

**3.** Any thing contained in the Act incorporating the said Albion Road Company inconsistent herewith is hereby repealed.

## Act to take effect from 1st April, 1876.

**4.** This Act shall have force and effect from and after the first day of April, one thousand eight hundred and seventy-six.

## CAP. CII.

An Act to incorporate the United Empire Club.

[*Assented to 10th February, 1876.]*

## Preamble.

**W**HEREAS the persons hereinafter named, with a large number of others, have associated themselves for the establishment of a club for social purposes, and have prayed to be incorporated under the name of the United Empire Club, and it is expedient to grant their prayer:

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The Right Honourable Sir John Alexander Macdonald, Honourable Charles Tupper, Honourable George William Allan, Honourable Alexander Campbell, Honourable Thomas Nicholson Gibbs, Honourable Matthew Crooks Cameron, Honourable John Carling, William Ralph Meredith, Adam Brown, Donald McInnis, Josiah Burr Plumb, D'Alton McCarthy, Christopher Robinson, James Gooderham Worts, Henry Quetton St. George, Thomas Charles Patteson, George Airey Kirkpatrick, Henry O'Brien, Patrick George Close, and such other persons as now are or hereafter shall become members of the said association, shall be and are hereby declared to be a body politic and corporate in deed and in name, by the name of "The United Empire Club," and by that name shall have perpetual succession and a common seal, and shall have power from time to time to alter, renew or change such common seal at their pleasure, and shall by the same name from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive to them, their successors and assigns, to and for the actual occupation of the said corporation, and being of an annual value not exceeding the sum of ten thousand dollars, any lands, tenements and hereditaments and real and immoveable property and estate and leasehold interest situate, lying and being within the City of Toronto, and the same to sell, alienate and dispose of whosoever the said corporation may deem it proper so to do; and by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto in any manner whatsoever; and the present constitution of the club, and the rules and regulations now in force touching the management and conduct generally of the affairs and concerns of the same, and touching the admission, resignation and removal of members from the club, in so far as they may not be inconsistent with the laws of this Province, shall be the constitution, rules and regulations of the said corporation: Provided always, that the said corporation may from time to time alter, repeal and change such constitution, rules and regulations in the manner provided by the constitution, rules and regulations of the said corporation.

Existing  
Constitution  
and Rules.

**2.** All real and personal property and effects, and all leasehold interests and buildings now owned by or held in trust for the said association, are hereby vested in the said corporation, and shall be applied solely to the maintenance of the said corporation.

**3.** No member of the corporation shall be liable for any of the debts thereof beyond a sum which shall be equal to the amount of the original entrance fee, and the annual subscriptions which may

Liability of  
members.

may remain unpaid by such member; members of the club not being in arrear for entrance fee, subscription or otherwise, shall be wholly free from liability for any debt or engagement of or on account of the club.

Borrowing powers.

**4.** It shall be lawful for the said corporation, with the assent of the members as hereinafter provided for, over and above the mortgages and debentures hereinafter mentioned, to raise or borrow, either upon mortgage of the real or personal property of the corporation, or by the issue of debentures as hereinafter provided, or both, or partly by mortgage and partly by debentures, such further sum of money as they may from time to time deem it necessary, not exceeding in the aggregate at any one time the sum of one hundred thousand dollars, and at such rate of interest as may be deemed advisable.

Mortgaging property.

**5.** If it be decided to raise or borrow the said moneys upon mortgage, the said corporation are hereby authorized to execute a mortgage upon their real and personal property, or such portions thereof as they may see fit to secure the repayment of moneys so borrowed, and interest, in such way and manner as may have been agreed upon.

Issue of debentures.

**6.** If it be decided to raise money by debentures, the said corporation may from time to time issue bonds or debentures in sums of not less than fifty dollars each, at such rate of interest and redeemable in such time as may therein be specified, and such bonds or debentures may be made payable to the order of any person or to bearer, and the said bonds or debentures shall next after the mortgage to the Western Canada Loan and Savings Company, without formal mortgage or registration, be a lien or charge upon the real and personal property of said corporation, and each holder of any such bond or debenture shall, subject to any previous mortgage or issue of debentures, be held to be a mortgagee of the real and personal property of the corporation *pro rata* with the holder of any other bond or debenture of the same date: Provided always, that no money shall be raised in any way or manner until the consent of the majority of the members of the corporation attending in person, or represented by proxy, at a special meeting to be called for that purpose, be first obtained; such special meeting to be called in the manner pointed out by the said constitution, rules and regulations for the calling of special meetings.

Application of funds.

**7.** The funds so raised shall be applied exclusively to the purchase, improvement or erection of a club-house and dependencies, or to the payment of liabilities incurred in the purchase, improvement or erection of the same, or in furnishing the said building, or in the payment of debts incurred for that or any other purpose of the said corporation.

**8.** If at any time one hundred or more members of the said corporation shall deem it desirable to wind up the affairs of the said corporation, it shall be lawful for them to call a special meeting of the members of the corporation, to consider the advisability of winding up the affairs of the corporation : Provided the notice of such meeting, stating distinctly the object thereof, be published in one or more of the daily newspapers published in the City of Toronto for thirty clear days prior to the holding of such meeting, and a notice also distinctly stating the object of such meeting be posted, prepaid, to the address of each member of the corporation as shown on the books thereof ; and if a majority of three-fourths in number of the members of such corporation present, or represented by proxy at such meeting, resolve to wind up the affairs of such corporation, it shall be the duty of the officers of such corporation to proceed forthwith to wind up the affairs thereof, and for that purpose to sell and dispose of all the property and assets of the corporation, subject to any lien or incumbrance (if any) existing thereon, and with the proceeds thereof to pay the debts and liabilities of such corporation, and divide the surplus thereof *pro rata* amongst the members of such corporation.

**9.** Whereas William B. Scarth, Valancey E. Fuller and James John Foy are lessees in trust for said association of certain premises in the City of Toronto, being composed of a part of lot number seven on the north side of King Street, west of Yonge Street, and have at the request of the members of the said club executed a mortgage of the said leasehold premises to the Western Canada Loan and Savings Company, for the sum of twenty thousand dollars, dated the thirtieth day of August, one thousand eight hundred and seventy-five, payable in the manner therein set forth ; And whereas the said William B. Scarth, Valancey E. Fuller and James John Foy have also, at the request of the said members, executed a further mortgage to the Right Honourable Sir John A. Macdonald, the Honourable George William Allan and Charles J. Campbell, who have accepted such mortgage in trust to hold the same as a security for the payment of certain debentures made and issued by them as such trustees to the amount of twenty thousand dollars, a portion of which debentures have been sold to and are now held by various persons, the money arising from such sources having been applied towards the building and furnishing of a club-house on said premises : Now, therefore, for the security and indemnity of the said William B. Scarth, Valancey E. Fuller and James John Foy, and of the said the Right Honourable Sir John A. Macdonald, the Honourable George William Allan and Charles J. Campbell, as such trustees as aforesaid ; Be it further enacted that the said corporation shall assume, and are hereby declared to have assumed, the said lease, and the payment of the said mortgages and debentures, and of all sums of money due thereunder or in connection therewith, and all other sums in respect of which the said trustees or any other parties

Winding up  
the corpora-  
tion.

Existing  
mortgages.

parties are liable for club purposes, and shall indemnify and keep harmless the said trustees and each and every of them and all other parties liable as aforesaid, from all loss, damage or injury by reason of their having become such trustee or trustees or become liable as aforesaid; and the said indentures of mortgage and debentures are hereby declared to be valid and subsisting liens upon the said leasehold interest therein described, and which was heretofore vested in the said trustees, but is now vested in the said corporation by virtue of this Act, according to the amounts and nature thereof respectively, and in the order of priority in which the said mortgages were given.

**Existing Committee of the Club.**

**10.** Such persons as are at the time of the passing of this Act the committee of the said club shall remain the committee of the said corporation, subject to be increased or changed from time to time, pursuant to the rules of the said club.

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### CAP. CIII.

An Act to authorize the "Simcoe Mechanics' Institute and Library Association" to raise a Loan and for other purposes.

[Assented to 10th February, 1876.]

Preamble.

**W**HÈREAS the "Simcoe Mechanics' Institute and Library Association" being the owners of certain real estate situate on the south side of Robinson Street and west side of Kent Street, in the Town of Simcoe, and being desirous of selling the same and purchasing another lot of land on Peel Street, in the said Town of Simcoe, more suitable for their purpose, did sell the said first mentioned real estate, and by two certain indentures bearing date respectively on the ninth day of June, in the year one thousand eight hundred and seventy-one, and on the fifteenth day of January, in the year one thousand eight hundred and seventy-two, and duly registered in the Registry Office for the said County of Norfolk as numbers 29701 and 30704, convey the same to Anna Mary Moore, the purchaser thereof; And whereas, the said "Simcoe Mechanics' Institute and Library Association" did, in pursuance of their said intention, purchase a certain lot of land on Peel Street aforesaid, whereon they have erected a brick building suitable for their purposes, but have incurred a considerable indebtedness in the erection of such building and properly equipping the same for their purposes, which they are unable to liquidate; And whereas, doubts have arisen as to the validity of the said sales and conveyances to the said Anna Mary Moore, and it is desirable to confirm the same and to provide for enabling the said "Simcoe Mechanics' Institute and Library Association" to raise by loan the necessary funds to liquidate their said indebtedness:

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1.** The said indentures bearing date on the ninth day of June, in the year one thousand eight hundred and seventy-one, and the fifteenth day of January, in the year one thousand eight hundred and seventy-two, are hereby declared to have been valid, and to have vested all the estate, right, title and interest of the said "Simcoe Mechanics' Institute and Library Association" of, in, to and out of the said lands, tenements and hereditaments therein comprised in the said Anna Mary Moore, her heirs and assigns. Certain indentures confirmed.
- 2.** It shall be lawful for the said "Simcoe Mechanics' Institute and Library Association" to borrow such sum or sums of money as they shall require to pay off their said indebtedness incurred in the erection of said building, but not exceeding in the whole the sum of two thousand dollars from such party or parties, corporation or corporations as may be willing to lend the same, and at such rate of interest, and on such terms and conditions as may be agreed on, and for securing the repayment of the sum or sums to be so borrowed from time to time to mortgage the said lot of land and premises whereon the said building is now erected, and the said building and all their estate therein in such manner and on such terms and conditions as they shall deem fit, and any such mortgage or mortgages to renew as often as may be necessary, and such mortgage or mortgages shall form a valid lien on such mortgaged premises for the moneys so borrowed and all interest thereon. Power to Simcoe Mechanics' Institute to borrow money.
- 3.** The said "Simcoe Mechanics' Institute and Library Association" shall from and after the passing of this Act, have all the powers belonging to Mechanics' Institutes and Library Associations or either of them duly incorporated under the provisions of chapter sixty-three of the Consolidated Statutes of Canada. The Institute to have the powers belonging to Mechanics' Institutes and Library Associations incorporated under C. S. C. c. 63.

#### CAP. CIV.

An Act to amend the Acts respecting L'Institut Canadien Français de la Cité d'Ottawa, and to extend the powers of the said corporation.

[Assented to 10th February, 1876.]

**W**HEREAS L'Institut Canadien Français de la Cité Preamble. d'Ottawa, have by their petition represented that the lands and premises mentioned in their Act of incorporation, and

and the Act amending the same, were conveyed to and are now held by the said corporation in fee simple, and that for reasons set forth in their said petition it may be desirable to sell the said lands and premises, and apply the proceeds or part thereof in the manner in the said petition mentioned, and further to extend the powers of the said corporation, and it is expedient to grant their prayer:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.—

29 V., c. 97,  
sec. 8, re-  
pealed.

**1.** Subsection three of section eight of the Act of the Legislature of the late Province of Canada, passed in the twenty-ninth year of Her Majesty's Reign, chapter ninety-seven, shall be and is hereby repealed and the following substituted therefor:

Thirdly.—In constructing such building or buildings as may be decided upon by the said corporation, upon any lot of ground now owned, or which may be hereafter acquired by the said corporation, within the City of Ottawa :

Fourthly.—The maintenance of the said corporation.

Sec. 9 re-  
pealed.

Power to sell  
certain real  
estate,

and acquire  
lands.

29 & 30 V.,  
c. 139, s. 3,  
repealed.

Borrowing  
powers.

**2.** Section nine of the said last mentioned Act is hereby repealed and the following substituted therefor :

9. The said corporation is authorized if they see fit to sell and convey, or to lease, or otherwise dispose of the lot or any portion thereof, which they now own opposite the Roman Catholic Cathedral, in the City of Ottawa, and the whole or any portion of any other real property situate in the said City of Ottawa, and owned by the said corporation, and to apply the proceeds thereof, to the purchase of, or payment for any other lot or lots of ground in the said city, or to the construction thereon of a building or buildings for their own accommodation, or for general purposes connected with the maintenance of the said corporation ; and the said corporation may from time to time, acquire, hold and possess such other estate as they deem necessary, and may alienate and dispose of the same, from time to time, provided that the whole real property held by them shall at no time exceed the annual value of the sum of five thousand dollars.

**3.** Section three of the Act of the Legislature of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's Reign, chapter one hundred and thirty-nine, is hereby repealed, and the following substituted therefor :

3. The said corporation may raise by way of loan, any sum of money, they may from time to time require, for the purpose of erecting their building or buildings ; provided always that the total amount of such loan shall not exceed the sum of six thousand dollars ; and moreover, the said corporation may raise by way of loan, any further sum of money, they may, from time

time to time, require, for the purpose of paying or continuing any loan or mortgage, or for completing their building or buildings or otherwise improving or enlarging the same; or for any other purposes connected with the maintenance of said corporation; Provided always that the total amount of such last mentioned loan, shall not exceed the sum of four thousand dollars; and for securing the repayment of such borrowed money, the corporation may grant a mortgage or mortgages on their property by deed, under the corporate seal thereof, and signed by the president, treasurer and recording-secretary thereof; any thing in the Act incorporating the said institute to the contrary notwithstanding.

4. This Act shall be construed as one Act with those construction amended by it, and as if the provisions substituted for those of this Act. of the said Acts, hereby repealed, had formed part of the said Acts respectively, instead of those for which they are substituted.

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## CAP. CV.

An Act to confirm the appointment of Trustees in connection with the Temperance Street Church, in the City of Toronto, and to vest in them certain Lands.

[Assented to 10th February, 1876.]

WHEREAS it appears, by the petition of Nathaniel Preamble. Dickey, Magnus Shewan, Edward Greer Cuthbertson, William Firstbrook and Robert Wilkes, trustees of the Temperance Street Church, in the City of Toronto, in connection with the Methodist Church of Canada, that by an indenture of lease and release, dated the second day of July, in the year of our Lord one thousand eight hundred and fifty, John Doel, Robert Henry Brett and William Sharpe, the parties therein named of the first part, did convey to John Doel, Junior, the party therein named of the second part, certain land described as follows, that is to say: All and singular that certain parcel or tract of land situate in the said City of Toronto, containing by admeasurement five thousand one hundred and twenty square feet, be the same more or less, being composed of part of lot number three, on the south side of Temperance Street, in the said City of Toronto, and butted and bounded as follows, that is to say: Commencing at a point forty feet from the north-west corner of property on Temperance Street lately belonging to Joseph Willson, and running along the said Temperance Street westerly sixty-four feet; thence south along Temperance Lane eighty feet; thence easterly parallel with Temperance Street sixty-four feet, and thence northerly eighty feet to the place of beginning, to the use of John Doel, Robert Henry Brett, William Sharpe, James

James Foster, William Hamilton, the Reverend Henry Only Crofts, and the Reverend William McClure, the parties therein named of the third part, their successors and assigns for ever, in trust to hold the said lands for the site of a chapel or meeting-house for the use of the members of the said Temperance Street Church, and upon other trusts, and that, by the said indenture, it was provided that successors to the said other than the said Reverend Henry Only Crofts and Reverend William McClure should be appointed in manner therein provided, and that successors to the said Reverend Henry Only Crofts and Reverend William McClure should be appointed by the Mission Committee of the Methodist New Connexion in England in case any of the said trustees, should die or cease to be a member or members of the Methodist New Connexion in Canada, or the Methodist New Connexion in England, or should cease to reside within that part of the late Province of Canada constituting Upper Canada, now the Province of Ontario; and that some time prior to the twenty-first day of November, one thousand eight hundred and seventy-one, the said John Doel, William Hamilton, William Sharpe and Reverend William McClure died, and the said James Foster and Robert Henry Brett ceased to be members of the Methodist New Connexion in Canada, or the Methodist New Connexion in England, and the said Henry Only Crofts removed from Upper Canada aforesaid, and no successor to the said trustees having been appointed, as in said indenture provided, the members of the congregation of said church, acting under the advice of counsel, at a meeting called, pursuant to the Act of the Parliament of the late Province of Canada, passed in the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, intituled "An Act to enable certain Religious Societies or Congregations of Christians to appoint successors to Trustees of land held on their behalf," did appoint the said petitioners as successors to the said John Doel, Robert Henry Brett, William Sharpe, James Foster and William Hamilton; and pursuant to a resolution passed at said meeting, the Mission Committee of the Methodist New Connexion in England were requested to nominate, and afterwards did nominate, Oliver Blake and the Reverend William Cocker as successors to the said Reverend Henry Only Crofts and Reverend William McClure, and that the said Oliver Blake died some time in the year one thousand eight hundred and seventy-one, and the said Reverend William Cocker left this Province in the same year; and that no successors to the said Oliver Blake and Reverend William Cocker have been appointed; and that, by an Act of the Legislature of this Province, passed in the thirty-eighth year of Her present Majesty, and chaptered seventy-eight, the Methodist New Connexion Church of Canada was joined with and its property vested in the Methodist Church of Canada, and that the relations formerly existing between the Mission Committee of the Methodist New Connexion in England and the Methodist Church of Canada have, with the consent of the Methodist New Connexion in England, entirely ceased

ceased since the union of the said two bodies ; and that the said petitioners have ever since the said twenty-first day of November, one thousand eight hundred and seventy-one, acted as such trustees ; and that doubts have been raised as to the validity of the appointment of the said petitioners as trustees, and the said petitioners and the congregation of the said Temperance Street Church are desirous that the said doubts may be removed, and that it be declared that the appointment of the said petitioners as such trustees was and is valid and effectual, and that the said property was and is legally vested in the said petitioners as such trustees, and the said lands shall henceforward be held by them, subject to the trust, for the purposes and under the directions and provisions contained in a deed known as the " Model Deed," as amended by the said last mentioned Act : And whereas it is expedient that the prayer of the said petition should be granted :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- 1.** The appointment of the said Nathaniel Dickey, Magnus Shewan, Edward Greer Cuthbertson, William Firstbrook and Robert Wilkes as trustees, in the room of the trustees mentioned in the said indenture, who have died or ceased to be a member or members of the Methodist New Connexion in Canada before its union with the Methodist Church of Canada, or of the Methodist New Connexion in England, or ceased to reside within that part of the late Province of Canada constituting Upper Canada, or the Province of Ontario, shall be and the same are hereby declared to have been valid ; and the said land, and all the estate and interest therein of the trustees named in the said indenture, is hereby declared to have vested in the said Nathaniel Dickey, Magnus Shewan, Edward Greer Cuthbertson, William Firstbrook and Robert Wilkes, on the twenty-first day of November, one thousand eight hundred and seventy-one, for the purposes and uses, and upon the trusts in the said indenture set forth, in as full and ample a manner as though the said Nathaniel Dickey, Magnus Shewan, Edward Greer Cuthbertson, William Firstbrook and Robert Wilkes had been originally named as trustees in the said indenture ; and from and after the passing of this Act, the said trustees shall hold the said lands and premises subject to the trusts, for the purposes and under the provisions contained in the Model Deed, as amended by the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "An Act respecting the Methodist Church of Canada," under the name of "The Trustees of the Toronto Temperance Street Church Congregation of the Methodist Church of Canada."
- Appointment  
of Trustees de-  
clared valid,  
and land vest-  
ed in them  
subject to the  
provisions of  
the "Model  
Deed" as  
amended by  
38 Vic. c. 78

## CAP. CVI.

## An Act respecting St. Andrew's Church, Toronto.

[Assented to 10th February, 1876.]

**Preamble.**

**W**HHEREAS Isaac C. Gilmor, James Michie, William Mitchell, William Henderson, Russell Ingles, Alexander T. Fulton and Alexander Jardine, the committee of management of St. Andrew's Church, a congregation of the Presbyterian Church in Canada, at the City of Toronto, have on behalf of the said congregation, by their petition, represented that the said congregation are now worshipping in the church erected on certain lands on the corner of Adelaide and Church Streets, in Toronto aforesaid; and that the said congregation are now erecting a new church upon certain other lands on the corner of Simcoe and King Streets, in Toronto aforesaid; and that the said congregation are entitled to certain other lands known as the "Humber Glebe;" and that at a meeting of said congregation holden in the said church on the corner of Adelaide and Church Streets, it was agreed by and between the members of said congregation, among other things, that a part of the congregation should be formed into a new congregation and that the said lands on the corner of Adelaide and Church streets should be conveyed to trustees for them; and that the said petitioners and congregation are desirous that the said agreement should be confirmed and the said lands vested in certain trustees, and that the trustees of the said "Humber Glebe" should be empowered to sell or mortgage the said "Humber Glebe" and apply the proceeds of such sale or mortgage in or towards paying the debt incurred in building the said church on the corner of Simcoe and King Streets, and the manse in connection therewith: And whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands on  
Adelaide street  
vested in trustees.

1. From and immediately after the formation of a new congregation in the church on the corner of Church and Adelaide streets aforesaid, under the control of the Toronto Presbytery of the Presbyterian Church in Canada, all and singular that certain parcel of land and premises situate in the City of Toronto, containing by admeasurement about seven thousand five hundred and sixty-six feet, and butted and bounded as follows, that is to say: Commencing at the north-east angle of the gaol and court-house block; then south sixteen degrees east seventy-eight feet; then south seventy-four degrees west ninety-seven feet; then north sixteen degrees west seventy-eight feet to Adelaide Street; then north seventy-four degrees east ninety-seven

seven feet to the place of beginning, which said tract of land, is composed of part of the said gaol and court-house block, and is known as the lot on which St. Andrew's Church is erected, shall be and the same is hereby vested in John Bain, William Henderson, Archibald McMurchy, Alexander Jardine and George Keith, all of the City of Toronto, and their heirs and successors, as trustees, in trust for the use and benefit of the said congregation.

**2.** All and singular that certain parcel or tract of land and premises situate in the said City of Toronto, which is butted and bounded or may be known and described as follows, that is to say : Commencing on the southern limit of King Street at the point of its intersection by the eastern limit of Simcoe Street, being at the north-west angle of the said parcel of land; then north seventy-four degrees east along the southern limit of King Street one hundred and twenty-nine feet, more or less, to the westerly limit of Emily Street; then south sixteen degrees east two hundred and eighty-three feet, more or less, to a stake planted ; then south seventy-four degrees west one hundred and twenty-nine feet, be the same more or less, to the easterly limit of Simcoe Street; then north sixteen degrees west two hundred and eighty-three feet, more or less, to the place of beginning ; and also the land known as the " Humber Glebe," which may be described as follows :—All and singular that parcel or tract of land situate in the Township of York, in the County of York, containing by admeasurement two hundred acres, be the same more or less, being composed of lot number forty in the first concession from the Bay in the said Township of York, that is to say : Commencing where a post has been planted at the water's edge on the east of the River Humber and in the southern limit of the allowance for road between the first and second concessions from the Bay ; then north seventy-four degrees east along the said southern limit of the said road allowance thirty-nine chains twenty links, more or less, to where a post has been planted in rear of the said lot number forty ; then south sixteen degrees east seventy-five chains, more or less, to where a post has been planted on the eastern margin of the River Humber ; then following along the eastern margin against the stream to the place of beginning, are hereby vested in James Michie, Isaac C. Gilmor, Alexander T. Fulton, and William Mitchell, their successors and assigns, in trust for the benefit of the congregation of the church now being erected upon the lands in this section firstly described.

**3.** The said trustees of the said new congregation shall, immediately after the said new congregation is formed, execute to the said trustees of the said church property on the corner of Simcoe and King Streets, a mortgage for the sum of six thousand dollars, payable in eight years from the first day of January, one thousand eight hundred and seventy-six, with interest at the rate of six per cent. per annum, payable half-yearly; such Trustees of  
new congrega-  
tion to execute  
a mortgage to  
Trustees of  
church pro-  
perty on  
Simcoe and  
King Streets  
for \$6,000.

such interest to be computed from the first day of January, one thousand eight hundred and seventy-eight; with liberty to the mortgagors to pay off at any time so much of said sum as they may find convenient.

**Trust upon  
which the  
mortgage is  
to be held.**

**4.** The mortgagees of said mortgage, and their successors shall hold the same and the money secured thereby in trust for the benefit of their said congregation, and they shall have full power to sell, mortgage or dispose of said mortgage and moneys secured thereby, in such manner and upon such terms as the committee of management of said congregation may direct.

**Disposition of  
melodeon and  
other personal  
property.**

**5.** The melodeon and Sunday school library, lately used in the building formerly erected on the land at the corner of King and Simcoe Streets, and known as the "Mission Church," shall become the property of the said new congregation: the other personal property of the present congregation, including the organ; the other melodeon, the communion service, the other Sabbath school library, the musical and other books used by the choir, the church books and records, and all rights, privileges and liabilities of the present congregation of St. Andrew's Church, in Toronto, shall continue to belong to and be liabilities of the congregation, notwithstanding the formation of the said new congregation.

**Power to sell  
or borrow on  
the "Humber  
Glebe" lands.**

**6.** The said trustees, James Michie, Isaac C. Gilmor, Alexander T. Fulton, and William Mitchell, and their successors in office, are hereby authorized and empowered to sell and convey in fee simple the whole or any part of the lands known as the "Humber Glebe," in the second section of this Act described, at such times and prices, and on such terms, and by private sale or public auction, as they may think best, and for cash or on credit, or partly cash and partly credit, and to take back a mortgage or mortgages to secure any balance of purchase money and such mortgage or mortgages, to sell, mortgage or dispose of as to them shall seem proper; and from time to time to mortgage the said land known as the "Humber Glebe," or any part thereof, and on such mortgage to borrow such sum or sums of money as may be necessary to pay any debts incurred in the building of the said church on the corner of Simcoe and King Streets, and the manse in connection therewith, and to secure the repayment of the mortgage moneys with interest, at such rate and at such time or times as may, in conformity with the laws of Canada, be agreed upon.

**Purchasers not  
bound to see to  
the application  
of the purchase  
money.**

**7.** No purchaser or mortgagee of the said lands and premises, or of any part thereof, or of any of the mortgages in this Act referred to, shall be bound to see to the application, or be answerable for the non-application or misapplication of the purchase money or mortgage money or any part thereof.

**8.** The said trustees and their successors in office shall from time to time apply the moneys arising from the sale or mortgage of the said lands and premises, or of such part or parts thereof as may be sold or mortgaged, and from the sale or mortgage of any of the mortgages in this Act above referred to (after deducting all necessary expenses connected with the sale and conveyance or mortgage thereof), towards the payment of the debts incurred in building the said church on the corner of Simcoe and King Streets, and the manse in connection therewith, and so far as the said moneys shall not be required for the purposes aforesaid, the said trustees and their successors in office shall hold and apply the same for the benefit of the congregation of said last mentioned church.

## CAP. CVII.

### An Act to Incorporate the Synod of the Diocese of Niagara.

[Assented to 10th February, 1875.]

WHEREAS the Synod of the Church of England, of the Preamble Diocese of Niagara, have petitioned for an Act for the Incorporation of the said Synod; And whereas it will greatly facilitate the objects for which the said Synod was established to grant the prayer of the said petitioners;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The Synod of the Church of England, of the Diocese of Incorporation Niagara, shall be, and the same is, hereby incorporated by the name of "The Synod of the Diocese of Niagara."

**2.** The said Incorporated Synod shall consist of the bishop Synod of whom composed. of the said diocese, who shall be the head of the Synod, and any suffragan or coadjutor bishop thereof, the priests and leacons of the same, licensed by the bishop or suffragan, and the lay delegates or representatives elected, or to be elected according to the constitution of the said Synod, as the same exists, at the time of this Act, or as it may from time to time be altered by the said Synod.

**3.** All property of what nature or kind soever now held by the Synod of the Diocese of Toronto, or by the Lord Bishop of Toronto, or which may hereafter be acquired by the said Synod or by any person or corporation, and of right belonging, or which may hereafter belong to the Diocese of Niagara, may by such person or corporation, be conveyed to the Synod of the Property held for church purposes may be conveyed to the Synod. said

said Diocese, and thenceforth the said Synod shall perform the trusts relating thereto, if any there be, and the person or corporation so conveying such property, shall be discharged from such trusts.

To be held on certain trusts.

**4.** All lands, moneys, mortgages and securities, which, under the authority of this Act, shall be vested in the Incorporated Synod of the Diocese of Niagara, shall by the said Incorporated Synod be held upon, to and for the uses, trusts, interests and purposes for which the same was heretofore held by the person or corporation holding the same; and the said Incorporated Synod may sell and dispose absolutely of any such lands, mortgages and securities, as in this Act mentioned, or any other lands, mortgages and securities, which shall, after the passing of this Act, be received, held or acquired by the said Incorporated Synod, and shall have and hold the proceeds of such lands, mortgages and securities upon the same trust, as the said lands, mortgages and securities had been before held, and no purchaser shall be liable for the application of any moneys paid by him, on any sale under the provisions of this Act.

Powers of Synod.

**5.** The said Synod shall have all the powers, rights, privileges and franchises conferred upon Synods under the Act passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, intituled "An Act to enable Members of the United Church of England and Ireland to meet in Synod," as well as those conferred upon the late Incorporated Church Society, by the several Acts of the Legislature of the Provinces of Upper Canada and of Canada, relating to the said Church Society, and to enforce all rights and claims which either said Synod or Society could enforce against any person or persons whatsoever, body or bodies corporate, or otherwise howsoever.

Power to make canons, by-laws, &c.

**6.** The said Synod shall have full power and authority to make such canons, rules, regulations and by-laws, and from time to time, as necessity may require, to alter and amend the same, as by the said Synod may be considered necessary in the exercise of the powers conferred upon said Synod under the said Acts, or any of them, and also for the conduct of their proceedings, regulation of their members, and all such other matters as may pertain to the proper and orderly discharge of their business; and also, notwithstanding anything contained in an Act of the Parliament of the Province of Upper Canada, passed in the third year of the reign of Her Majesty Queen Victoria, chaptered seventy-four, and known as the "Church Temporalities Act," or in an Act of the Parliament of the Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her said Majesty, chaptered fifteen, and known as "The Church Temporalities Amendment Act," the said Synod shall have full power and authority to make rules, regulations and by-laws, for the management of all the affairs of the said Diocese of Niagara.

**7.** And it is hereby enacted, that the incumbent and church-  
wardens appointed under the rules and regulations of the said  
Synod, may hold such real estate as may be given, granted or  
devised to them for the use of their church, as a site for a  
church or parsonage or school-house, and may from time to  
time, with the approval of their vestry signified by a resolution  
passed at a meeting of such vestry, specially called for that  
purpose, mortgage such real estate for the purpose of raising  
money to be expended in the erection thereon of a church, a  
parsonage or a school-house, as the case may be: Provided  
however, that such resolution be confirmed at a vestry meeting  
called not less than a fortnight after such meeting of vestry  
specially summoned to consider such resolution.

**8.** The said Synod may exercise all its powers by and Boards and  
through such boards or committees as the said Synod may from  
time to time appoint by by-law or by-laws, for the manage-  
ment of all or any of the affairs or property of the said Synod.  
committees of  
Synod.

**9.** The said Synod may appoint and remove all such officers Appointment of  
as may be found necessary for the management of the affairs and removal of  
and business of the said Synod, and provide for their remunera-  
tion, and may remove the same and appoint others in their stead.  
officers.

**10.** The said Synod shall invest all or any of the funds in- Investment of  
trusted to its care, including those derived from the sale of funds.  
rectory lands, only in Government securities, or municipal de-  
bentures, with power to vary any such investments from time to  
time, for others of a like nature, but nothing in this Act  
contained shall be construed to give the said Incorporated  
Synod power or authority to apply the income derived from  
any such investments, otherwise than in strict accordance with  
the special trusts relating to such funds respectively.

## CAP. CVIII.

An Act to amend the Act intituled "An Act to pro-  
vide for the Sale of the Rectory Lands in this Prov-  
ince."

[Assented to 10th February, 1876.]

**W**HHEREAS the time limited for the sale of the rectory Preamble.  
lands under an Act of the Parliament of the late Pro-  
vince of Canada, passed in the session held in the twenty-ninth  
and thirtieth years of the reign of Her Majesty Queen Victoria,  
and chaptered sixteen, will expire on the fifteenth day of August  
next, and it is expedient to extend the same;

Therefore Her Majesty, by and with the advice and consent  
of

of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

Right to exercise power of sale.

**1.** The right to exercise the power of sale granted by the said Act may be exercised at any time within ten years from the fifteenth day of August next.

## CAP. CIX.

### An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Ontario.

[Assented to 10th February, 1876.]

Preamble.

**W**HEREAS the Incorporated Synod of the Diocese of Ontario have petitioned that the said Act may be amended and extended, and it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Additional powers to Synod.

**1.** The Incorporated Synod of the Diocese of Ontario shall have full power and authority to make, and from time to time to amend, such canons, rules, regulations and by-laws as by the said synod may be considered necessary in the exercise of the powers conferred upon the said synod under the said Act incorporating the Synod of the Diocese of Ontario, and also for the conduct of their proceedings, regulation of their members, and all such other matters as may pertain to the proper and orderly discharge of their business; and the canons, rules, regulations and by-laws of the said synod are hereby confirmed: And also, notwithstanding anything contained to the contrary in an Act of Parliament of the Province of Upper Canada, passed in the third year of the reign of Her Majesty Queen Victoria, chaptered seventy-four and known as "The Church Temporalities Act," or of an Act of the Parliament of the Province of Canada passed in the session held in the twenty-ninth and thirtieth years of the reign of her said Majesty, chaptered fifteen, and known as "The Church Temporalities Amendment Act," the said synod shall have full power and authority to make by-laws or canons regulating existing vestries and their organization, and the duties of the churchwardens, and providing for the formation and organization of a vestry in every church erected or to be erected in the said diocese, and also declaring and defining the duties and powers of vestries and of the churchwardens; and vestries and the churchwardens for the time being of any church erected or to be erected shall, until changed or modified by the by-laws or canons

canons of the synod, be subject to the provisions of the said "The Church Temporalities Act," and they and their successors may, as a corporation, hold such real estate as may be given, granted or devised to them for the use of their church as a site for a church or parsonage or a school-house, and may from time to time, with the approval of their vestry, signified by a resolution passed at a meeting of such vestry, and with the consent and approval of the executive committee of the said incorporated synod, mortgage such real estate for the purpose of raising money to be expended in the erection thereon of a church or parsonage, or a school-house, as the case may be.

**2.** The said incorporated synod may invest all or any of the <sup>Investment of</sup> funds entrusted to its care, including those derived from the sale of rectory lands, notwithstanding the Act passed in the Session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, chaptered sixteen, and intituled "An Act to provide for the sale of Rectory lands in this Province," in Government securities, municipal debentures, the stocks of any permanent building society or in first mortgages of real estate; but nothing in this Act contained shall be construed to give the said incorporated synod power or authority to apply the income derived from any such investments otherwise than in strict accordance with the special trusts relating to such funds respectively.

**3.** Upon the death, retirement or removal of any incumbent of any rectory of the United Church of England and Ireland, in the Diocese of Ontario, the Incorporated Synod of the said Diocese shall have full power and authority to sell and absolutely dispose of any of the lands referred to in the said Rectory Act, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her Majesty Queen Victoria and chaptered sixteen, and belonging to any of the said Rectories; and any deed executed by such Incorporated Synod shall vest in the purchaser a full, clear and absolute title to the said lands, subject only to any leases thereof, or rights granted therein, by competent authority prior to such sale, and also to any mortgage that may be executed thereon to secure all or any of the purchase money thereof.

**4.** No incumbent of any such Rectories in the said Diocese, who may be inducted therein after the passing of this Act, shall receive, out of the proceeds of such sales, invested as in the said Rectory Act last mentioned, a sum larger than will, together with the rents, issues and profits of the lands of the said Rectory of which he is incumbent, then remaining unsold, amount to the sums following, that is to say: as to the Rectory of Kingston, the sum of three thousand dollars a year; as to the Rectory of Belleville, the sum of two thousand dollars a year; and as to the rectories in other townships, the sum of one thousand six hundred dollars; and all and any excess of interest

<sup>Rights of incoming incumbents.</sup>

interest arising from the proceeds of such sales and of the rents, issues and profits of the lands of such rectory respectively remaining unsold, beyond such annual payments aforesaid, shall be apportioned to and divided among the incumbents of the other churches of the said Church, in the city, town or townships in which the lands belonging to such rectory are situate, or which to such rectory belongs respectively, in such proportions as such Incorporated Synod shall, by resolution, by-law or canon, from time to time order and direct.

29 & 30 V.  
c. 16, s. 5,  
repealed so far relates to  
as relates to  
Diocese of  
Ontario.

**5.** Section five of said Rectory Act last mentioned is hereby

repealed, so far as relates to the said Diocese of Ontario.

## CAP. CX.

An Act to authorize the Incorporated Synod of the Diocese of Toronto, with the consent of the Incumbent of St Paul's Church, in the Town of Lindsay, to sell certain lands in the said Town of Lindsay.

[Assented to 10th February, 1876.]

Preamble.

WHEREAS the churchwarden of St. Paul's Church, in the Town of Lindsay, has petitioned for an Act to authorize the sale and conveyance of lots numbers twenty and twenty-one, north of Francis Street, in the Town of Lindsay, to the Reverend John Vicars: And whereas, the said lands were granted by the Crown to the Church Society of the Diocese of Toronto for a burial ground for the use of the Episcopal Church in Lindsay, in the year one thousand eight hundred and forty-nine, and have never been used, and are no longer required for that purpose, owing to there being a large cemetery without the limits of the Corporation of the Town of Lindsay now used by all denominations of Protestants in Lindsay: And whereas, the burial ground, adjoining said parcels of land, has been closed by by-law of the said Corporation of the Town of Lindsay, and burials are no longer permitted therein: And whereas, by resolution passed by the Vestry of St. Paul's Church, Lindsay (being the said Episcopal Church), on the twenty-ninth day of March, in the year of our Lord one thousand eight hundred and sixty-nine, the said lands were sold to the said Reverend John Vicars for the sum of two hundred dollars, who thereupon expended a large sum of money in building and making improvements upon said lands, and has been in possession thereof ever since: And whereas, the said Reverend John Vicars has paid the Incorporated Synod of the Diocese of Toronto the sum of two hundred dollars, being the purchase money therefor, and it is desirable that the sale to the

the said Reverend John Vicars should be carried into effect and the said lands vested in him :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- 1.** The Incorporated Synod of the Diocese of Toronto, with the consent of the Incumbent of St. Paul's Church, Lindsay, shall have full power and authority to sell and absolutely dispose of and convey said lands to the Reverend John Vicars, and any conveyance thereof executed by said parties, purporting to be an absolute conveyance of said lands, shall vest said lands in the said grantee.
- 2.** The said Incorporated Synod of the Diocese of Toronto shall hold the said purchase money for the use of the said Episcopal Church in Lindsay.

Power to  
Synod to sell  
lands in Lind.  
say.

Application  
of purchase  
money.

## CAP. CXI.

**An Act to provide for the disposal of certain lands held for Church of England purposes in the City of Ottawa.**

[*Assented to 10th February, 1876.*]

WHEREAS by a patent or deed of grant from the Crown, Preamble. dated the fourteenth day of June, one thousand eight hundred and sixty, there was conveyed to the Reverend John S. Lauder, clerk, incumbent of Christ Church, in the City of Ottawa, in connection with the United Church of England and Ireland, and his successors, incumbents of the said church, their heirs and assigns, for ever, all that parcel or tract of land, situate in the City of Ottawa, in the County of Carleton, containing by admeasurement thirty-eight thousand and seven hundred and fifty square feet, be the same more or less, being composed of a block of land on the west side of Sussex Street, in the late Ordnance Reserve, which is more particularly described in the said deed of grant, to have and to hold to the said Reverend John S. Lauder, incumbent as aforesaid, and to his successors as such incumbents for ever, in trust as a site for a church in connection with the United Church of England and Ireland : And whereas a building, first used as a chapel of ease to Christ Church, and which has since been enlarged and consecrated as a church, by the name of the Church of St. John the Evangelist, has been erected on part of said land, the remainder of which is vacant : And whereas a great necessity exists for increased church accommodation in the said city, which it is proposed to meet in part by the sale of that portion of the said block

block of land now unoccupied for church purposes, and the appropriation of a portion of the proceeds arising from such sale towards the erection of a cathedral or church, and of the remainder of such proceeds in aid of churches already existing in the said city in connection with the Church of England : And whereas the Right Reverend John Travers Lewis, Bishop of the Diocese of Ontario, in which the said City of Ottawa lies, the Rev. John S. Lauder (now the Venerable Archdeacon Lauder), incumbent of Christ Church, and trustee as aforesaid, and the duly appointed representatives of the congregations of Christ Church, of the Church of St. John the Evangelist, and of St. Alban's Church, have petitioned that authority be given for such a disposition of the said land as will be conducive to the present and future interests of the Church of England in the said city, and it is expedient to grant the prayer of the petitioners :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Certain lands  
vested in the  
Synod of  
Ontario.

**1.** That portion of the block of land already mentioned, which is comprised within the following limits, namely :—Commencing at the north-easterly corner of the said block of land, on the west side of Sussex Street ; thence in a southerly direction along the said side of Sussex Street, a distance of one hundred and twelve feet six inches ; thence westerly across the said block, on a line parallel with the front of the porch of St. John's Church aforesaid, passing at a distance of eleven feet therefrom, to the rear line of the said block on Major's Hill ; thence in a northerly direction along the said rear line to the north-western corner of the said block, one hundred and ten feet three inches, more or less ; thence along the northerly line of the said block to the place of beginning ; with the building thereon erected, shall be and is hereby vested in the Synod of the Diocese of Ontario, in trust for the congregation of the Church of St. John the Evangelist, in the City of Ottawa aforesaid, for ever.

Trustees and  
their powers.

**2.** The Right Reverend John Travers Lewis, Bishop of Ontario, or the Bishop of the said Diocese for the time being, the Venerable Archdeacon Lauder, incumbent of Christ Church aforesaid, or his successor as such incumbent, the Honourable John Simpson, Colonel Walker Powell, Helier V. Noel, Henry N. Bate, and John Langton, Esquires, all of the said City of Ottawa, shall be trustees for the purposes of this Act ; and the land described in the preamble, with the exception of that portion thereof which is hereinbefore vested in the Synod of Ontario, in trust, shall be held to be vested in them so far as may be necessary for the purposes of this Act, and they, or any majority of them, shall have power and authority to dispose of the said land, and of the proceeds of the sale thereof, in the manner following ; that is to say, they shall have power, and it shall be their duty :

1. To sell the said land in such manner, and at such times, in

in such portions, and upon such terms and conditions as may to them seem best for attaining the purposes of this Act, and to convey the same to the purchaser or purchasers, and to receive and grant valid discharges for the purchase money, and to take mortgages for securing any unpaid portion of such money, and to enforce or assign any such mortgage;

2. To apportion, pay over, or assign the proceeds of such sales, or any part thereof secured by mortgage as aforesaid, in the following manner, that is to say:—

3. One-fourth part of the net proceeds thereof, less the sum of five hundred dollars, shall be paid over ~~or~~ assigned to the churchwardens, for the time being, of Christ Church aforesaid, to be by them applied in payment of the floating debt of the said church, and in reduction of the debenture debt incurred for the erection thereof;

4. The sum of three thousand dollars shall be paid or assigned to the churchwardens, for the time being, of the Church of St. John the Evangelist aforesaid, to be by them applied in discharging the floating debt of the church;

5. The sum of three thousand dollars shall be paid and assigned to the churchwardens, for the time being, of St. Alban's Church, to be expended upon the enlargement and improvement of the said church;

And the balance of the proceeds of the said sale, after deducting the necessary expenses attending the same, and the sums aforesaid, shall, until required for the purpose hereinafter mentioned, be deposited at interest in one of the chartered banks of Canada to the credit of the trustees under this Act, or invested and held by them in Government securities, as they may deem best, for the purpose of being thereafter applied to the purchase of a site for and the erection of a cathedral or church in the City of Ottawa, which cathedral or church shall be extra-parochial, the sittings therein shall be for ever free from rent or other charge, and the Bishop of Ontario shall be *ex-officio* the incumbent thereof; the said bishop shall have power to acquire and hold the land required for the said cathedral or church, which, with the said site shall be vested in him and his successors for ever, for the purposes aforesaid.

3. The management and control of the erection of the said cathedral or church, and of the moneys which may be subscribed to defray the cost thereof, shall be in the Bishop of Ontario and a building committee of five persons selected from among themselves by the contributors, having subscribed and paid not less than one hundred dollars each to the building fund for the same, at a meeting of such contributors to be held for that purpose, so soon as a sum estimated by the bishop to be sufficient to justify the commencement of the building shall have been *bona fide* subscribed for; such election to be held at a meeting to be called by the bishop for that purpose; any money, or securities for money, contributed for the said purpose shall, after the election of the building committee, be deposited in some chartered bank

Building committee appointed.

bank, in the joint names of the bishop and the said members of the building committee, any vacancy among whom may be filled up by election at a meeting of such contributors as aforesaid : The first and any subsequent election in case of vacancy, to be by a majority of the qualified contributors present at the meeting, which shall be called by the bishop, after seven days' notice by mail to each qualified contributor : Provided always, that if at the time of the election of the building committee there be any balance applicable to the building of the said cathedral or church in the hands of the trustees under this Act, such balance shall be paid over to the bishop and the said building committee.

*Power to borrow money on mortgage or debentures.*

**4.** The trustees under this Act may raise by mortgage on the land which they are hereby empowered to sell and dispose of, or by the issue of debentures, which shall be a first mortgage and lien thereon, a sum of money not exceeding twenty thousand dollars ; and such debentures may be for such sums respectively, and payable at such date, and bearing such rate of interest, as the trustees may deem most advisable ; and the said trustees may dispose of the said debentures in the manner they may find most advantageous for raising the said sum.

*Application of money so borrowed.*

**5.** The trustees shall advance out of the proceeds of the said mortgage or debentures eight thousand dollars to the churchwardens of Christ Church, three thousand dollars to the churchwardens of Saint John the Evangelist, and three thousand dollars to the churchwardens of St. Alban's, to be applied by them in the manner hereinbefore provided, as to the shares of the said churches in the proceeds of the said sale ; and it shall be the duty of the said churchwardens, respectively, to pay half-yearly to the trustees under this Act, out of any funds in their hands as churchwardens, any interest payable by such trustees on the sums advanced to the said churchwardens respectively, so long as such interest shall remain payable by the trustees on the mortgage or debentures aforesaid : Provided always, that the trustees, before advancing the aforesaid sums out of the said mortgage or debentures, shall require that satisfactory personal security for payment of the interest thereon be given to the said trustees : The sum of six thousand dollars of the amount raised by the trustees under this section shall, if required, be applied by them to or towards the purchase of a site for the cathedral or church hereinbefore mentioned, and any interest paid by the trustees on such sum shall be charged by them against the share of the proceeds of the land to be sold by them, which is hereinbefore directed to be applied to the purchase of such site, and the building of such cathedral or church.

*Vacancy among trustees, how filled.*

**6.** In the event of the death or inability to act of any of the trustees appointed in this Act, the majority of the remaining trustees shall, by writing under their hands and seals, appoint another

another or others to fill such vacancy; and the trustee or trustees so appointed shall have all the powers and duties of those appointed by this Act, including the power of appointing other trustees in case of vacancies as aforesaid.

**7.** From and after the passing of this Act, the Venerable Archdeacon Archdeacon Lauder (styled in the deed of grant, cited in the preamble, the Rev. J. S. Lauder) shall be relieved from the trust reposed in him by the said deed, and shall cease to be a trustee thereunder.

**8.** The expression "Bishop of Ontario" in this Act means the bishop of the said diocese of the Church of England and his successors as such, or in the event of the existing diocese of Ontario being divided, the bishop of that diocese of the said church which shall include the City of Ottawa—by whatever name it may be designated: The expression "the churchwardens," means the churchwardens for the time being.

**9.** The trustees appointed by and under the second section of this Act shall not be bound to see to the application of the moneys by them paid over or assigned to the proper parties under this Act: The conveyances made by them by deed of sale to purchasers of any of the lands aforesaid shall vest the same in fee simple in such purchasers, their heirs and assigns, for ever; and such purchasers shall not be bound to see to the application of their purchase money.

**10.** From and after the passage of this Act, the respective congregations and interests represented in the property to be disposed of shall bear in proportion to such interest their share of all taxes that may be levied upon said property until the same shall be finally sold and disposed of by the trustees.

## CAP. CXII.

### An Act respecting certain lands belonging to Saint Paul's Church, in the Town of Woodstock.

[Assented to 10th February, 1876.]

**W**HEREAS by an Act of Parliament of Preamble. Canada, passed in a session thereof held in the twenty-third year of the reign of Her Majesty, intituled: "An Act to enable the rector and churchwardens of the Church of Saint Paul, at Woodstock, to sell certain lands belonging to the said Church," certain powers were granted to the churchwardens of such church in regard to the lands in such Act mentioned; and whereas

whereas by the petition of the Right Reverend Isaac Helmuth, Lord Bishop of Huron, of the Reverend William Bettridge, rector of the said church, of the vestry of the said church in meeting assembled, and of William H. Van Ingen and Charles L. Beard, churchwardens of the said church, it is represented to be greatly to the benefit of the said church that the additional powers hereinafter contained should be vested in the said churchwardens for the time being in respect of the said lands and the proceeds of the sales thereof, and it is expedient to grant the prayer of such petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to  
church-  
wardens to  
purchase a new  
site for a  
church, &c.,

**1.** Notwithstanding any thing in the patent, in the said Act referred to or in the said Act, or in any other Acts relating to the said lands contained, the said churchwardens for the time being may, with the consent in writing of the rector of the said church, and also with the consent of the vestry of the said church, first had and obtained at a special meeting of such vestry to be called for that purpose, apply out of the proceeds of the sales of the said lands heretofore made, or hereafter to be made, a sum of money not exceeding in the whole one equal third of the proceeds of the sales so made, or to be made, toward the purchase of a new site within the said Town of Woodstock for a church, parsonage house and school-house, belonging to the said Church of England, and towards the erecting thereon such church, parsonage house and school-house.

and apply  
certain moneys  
therefor.

**2.** The said churchwardens, with such consents as aforesaid, may also from time to time apply to such purposes the accumulated annual produce of all such sales so made, together with the accumulated rents of all portions leased, and the future annual proceeds of all sales now made, or hereafter to be made, together with the rents of all portions to be leased.

Power to  
mortgage, &c.

**3.** The said churchwardens may from time to time, with such consents as aforesaid, and for the purpose of raising the said one-third of the said principal moneys, and the said annual proceeds and rents, sell, assign, mortgage or pledge all such principal moneys, interest and rents, and all mortgages, leases, stocks, shares or other securities in which the same are now or may hereafter be invested.

## CAP. CXIII.

An Act relating to St. John's Church, in the Township of Ancaster.

[Assented to 10th February, 1876.]

WHEREAS under and by virtue of the Act passed in the Preamble. thirty-fourth year of the reign of Her Majesty Queen Victoria, chaptered eighty-two, of the Statutes of Ontario, the churchwardens of St. John's Church, in the Township of Ancaster, were authorized and required to sell and convey certain land in the said Act more fully described, and from and out of the proceeds of such sale, firstly to purchase another parcel of land for the purposes of a parsonage and grounds for the use of the resident clergyman or clergymen of the said church, in the vicinity of and convenient to the said church; and by the said Act it was also further enacted that the said churchwardens should apply any surplus in and towards the erection of a suitable dwelling-house upon the said last-mentioned parcel of land; And by the said Act it was also further enacted that the said last-mentioned parcel of land when purchased shall be held by the said churchwardens and their successors in office upon trust, and to and for the uses and purposes in the preamble of the said Act set forth: And whereas the Reverend William Belt, resident clergyman of the aforesaid church, Frederick Snider and Edwin Clark, present churchwardens of said church, and certain parishioners of the said church have by their petition set forth, that in compliance with the aforesaid Act, the land and premises first hereinbefore mentioned, and in the said Act more fully described, were sold for the price or sum of one thousand seven hundred and fifty dollars: That from and out of the said sum a part thereof, to wit, the sum of six hundred dollars, was applied in the purchase of the land and premises described in the deed thereof from Alexander Smith to the said churchwardens, and hereinafter more fully described as follows, that is to say: All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Ancaster aforesaid, containing by admeasurement six acres of land, be the same more or less, being part of lot number forty-five, in the second concession of said township, and which may be better known and described as follows, that is to say: commencing where the rear of said concession intersects the easterly margin of the laid-out road leading into the Village of Ancaster, which is the south-westerly angle of the property of said Alexander Smith; thence following the easterly margin of the aforesaid laid-out road six chains and sixty-two links, more or less, to a stone monument planted at the south-easterly angle of the church property; thence following the easterly limit of the aforesaid church property eight chains sixteen links, more or less, to the stone monument at the north-east angle of the said church

church property; thence south sixty-two degrees west four chains fifty-five links, more or less, to a post; thence south twenty-five and one-half degrees west eight chains twenty-four links, more or less, to a post; thence south twenty-three and one-half degrees east three chains eighty-nine links, more or less, to a post planted in the rear of said concession; thence following the rear of said concession on a course south seventy-seven degrees west to the place of beginning: And the surplus of the proceeds of the sale aforesaid was applied towards the erection of a dwelling-house, out-houses and fences on the land and premises hereinbefore fully set forth and described, and the churchwardens were compelled to borrow the sum of three thousand dollars, or thereabouts, on their personal security to pay for the final completion of the same; and the said petitioners have desired that the said churchwardens may be authorized and required to mortgage the before-described land and premises to raise the said sum of three thousand dollars for the purpose of liquidating the debt existing as aforesaid, and it is desirable to grant the prayer of the said petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Power to  
churchwardens  
to borrow  
money**

**1.** The churchwardens of the said church, and their successors as such, shall on resolution of the vestry of said church empowering them so to do have power in their own name to mortgage the said land so vested in them as aforesaid, or a portion thereof, and the buildings now erected thereon; and on said mortgage to borrow a sum of money not exceeding the sum of three thousand dollars for the purpose of paying the debt contracted in the erection of said dwelling-house, outhouses and fences on the said lands, and to secure the repayment thereof with the interest at such rate and at such time or times as may be agreed upon.

**and mortgage  
property.**

**2.** It shall be lawful for the said churchwardens and their successors as such, having been first authorized by a resolution of the vestry of said church from time to time, and at all times hereafter (should occasion require), to make new and further mortgages for the purpose of paying off any mortgage or mortgages then in existence upon the same property or any part thereof, upon such terms and at such times as the said churchwardens and their successors shall deem proper: Provided that the whole mortgage debt upon the said parsonage and land whereon the same is now erected shall not exceed at any one time the principal sum of three thousand dollars.

**Mortgagee not  
bound to see to  
the application  
of the money.**

**3.** Any mortgagee or mortgagees advancing money upon the security of a mortgage upon the said premises, shall not be bound to see to its application by the borrowers.

## • CAP. CXIV

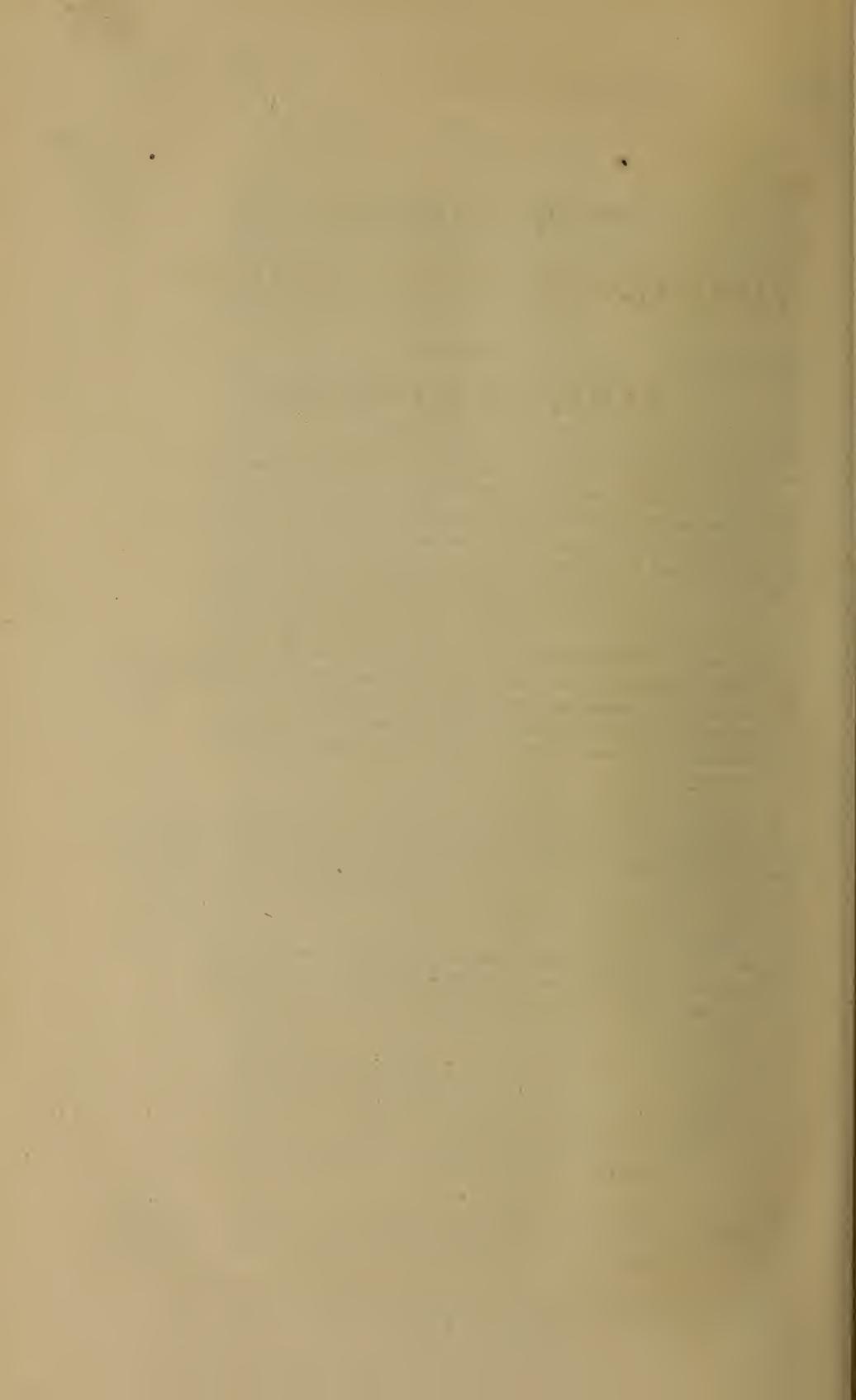
An Act to enable the Board of Examiners for the admission of Provincial Land Surveyors for Ontario, to admit John William Shackleton as a Provincial Land Surveyor.

[Assented to 10th February, 1876.]

**W**HEREAS John William Shackleton, of the Town of Preamble. Chatham, in the County of Kent, in the Province of Ontario, gentleman, hath by his petition set forth, that having adopted as a profession that of a Provincial Land Surveyor, passed his preliminary examination, and received his certificate thereof, he became bound, under articles of apprenticeship bearing date the seventeenth day of November, in the year of our Lord one thousand eight hundred and sixty-eight, to Arthur Jones, a Provincial Land Surveyor for Ontario, for three years, and regularly and faithfully served the said Arthur Jones, under the said articles; but the same were not filed, and by reason thereof he was unable to undergo his final examination, and hath prayed that an Act may be passed authorizing the said Board of Examiners to admit him as a Provincial Land Surveyor without having to serve another three years under articles, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the said Board of Examiners in their discretion and upon payment of the usual fees therefor, at any time to admit the said John William Shackleton as a Provincial Land Surveyor on his passing the usual final examination, notwithstanding the said articles were not so filed, and without his compliance with any of the other requirements or provisions of law, or other rules and regulations of the said Board in that behalf, any law, custom or usage to the contrary notwithstanding.
- Power to  
Board of Ex-  
aminers to  
admit J. W.  
Shackleton  
as a P. L.  
Surveyor.



1875-76.—39 VICTORIÆ.

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TO

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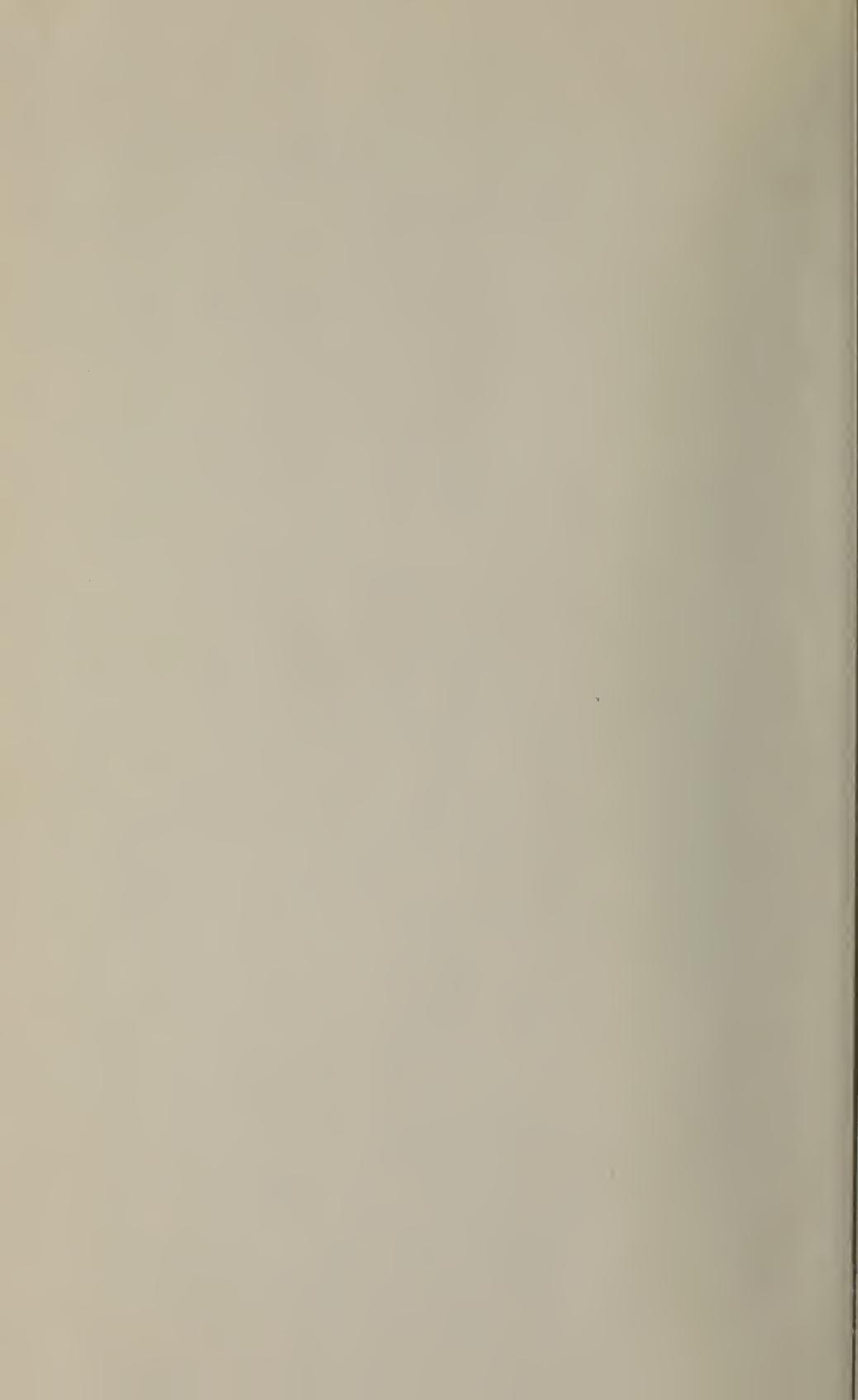
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